

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 263 of 2016

1. Surit Ram Banjare, S/o. Bhojram Banjare, aged about 45 years, Caste-Satnami,
2. Vimla Bai Banjare, W/o. Surit Ram Banjare, aged about 40 years, Caste-Satnami

Both are resident of Village-Khamhariya Lawan, Ward No.15, Police Station – Kasdol, District – Baloda Bazar-Bhatapara (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kasdol, District – Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicants	: Mr. S.K. Guha, Advocate
For Respondent/State	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

1. This is the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.507/2015, registered at Police Station – Kasdol, District – Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 376, 109, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the son of the applicants namely Sunil enticed the prosecutrix on the pretext of marriage and committed rape and the applicants, who are mother and father of the main accused had instigated their son to commit the rape.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated. He would further submit that entire allegations of rape is against their son and the evidence which is

available on the basis it can not be stated that the applicants have instigated their son to commit the crime. He would further submit that the applicants are in jail since 22.12.2015, therefore, the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the prosecutrix, which shows that primary allegation are against Sunil, son of the applicants. Taking into the fact that entire allegation of rape is against the son of the present applicants and further considering the statement and the degree of allegation levelled against the applicants and the fact that the applicants are in jail since 22.12.2015, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge