

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3616 of 2016

1. Shivkumar S/O Mohardas Satnami Aged About 40 Years R/O Village Beltukri, Police Station Nandghat, Civil & Revenue District Bemetara, Chhattisgarh
2. Rajesh S/O Mohardas Aged About 38 Years R/O Village Beltukri, Police Station Nandghat, Civil & Revenue District Bemetara, Chhattisgarh
3. Keshao S/O Shivkumar Satnami Aged About 21 Years R/O Village Beltukri, Police Station Nandghat, Civil & Revenue District Bemetara, Chhattisgarh
4. Rupesh @ Rupendra S/O Manmohan Singh Aged About 34 Years R/O Village Beltukri, Police Station Nandghat, Civil & Revenue District Bemetara, Chhattisgarh
5. Suresh S/O Mahraj Das Aged About 20 Years R/O Village Beltukri, Police Station Nandghat, Civil & Revenue District Bemetara, Chhattisgarh
6. Khelan S/O Nohardas Satnami Aged About 26 Years R/O Village Beltukri, Police Station Nandghat, Civil & Revenue District Bemetara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Nandghat, Civil & Revenue District Bemetara, Chhattisgarh

---- Respondent

For Applicants : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 20-03-2016 in connection with Crime No. 160 of 2014 registered at Police Station Nandghat, District Bemetara (CG) for the offence punishable under Sections 363,

366, 368, 376, 349 of the IPC and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. As per prosecution case, on 7-6-2014 a report was made by the father of the prosecutrix that his daughter aged about 15 years was missing from 6-6-2014. Subsequently his daughter was recovered on 22-10-2014. It is alleged that on the pretext of marriage one Rijesh @ Rijju took away the prosecutrix to Delhi, Pune and Noida and committed sexual intercourse with her. The allegations against the present applicants are that they helped said Rijesh to elope along with girl and they left them at Mungeli. It is further alleged that Shivkumar and Rijesh were on one motor-cycle and other applicants were on another motor-cycle.
3. Learned counsel appearing for the applicants would submit that only allegation against the applicants that they helped Rijesh to take away the girl from lawful custody and no act of sexual assault has been attributed to the present applicants. He would further submit that charge-sheet has been filed in this case and the applicants are in jail since 20-03-2016, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix recorded under Section 161 and 164 of Cr.P.C.
7. Taking into consideration the totality of the circumstances, nature of allegation leveled against the applicants, considering the statements of the prosecutrix, charge-sheet has been filed and the

applicants are in jail since 20-3-2016 , I am inclined to release the applicants on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju