

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8198 of 2016

1. Sunil Ekka S/o - Dhanushdhari Ekka Aged About 30 Years Caste - Uraon, R/o - Village - Darridand, Patna, Tehsil - Baikunthpur, District - Koriya, Chhattisgarh
2. Subhaso Bai W/o Manbahar Aged About 50 Years Caste - Uraon, R/o - Village Bamba Fakirpara, Police Station Bagicha, District Jashpur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through - S. H. O. Police Station Chirmiri, District - Koriya Chhattisgarh

---- Respondent

For Petitioners	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/12/2016

Heard.

2. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.235/2016 registered at Police Station Chirmiri, District Koriya for the offence punishable under Section 363, 366, 376(i)(n), 368 read with Section 34 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989. The applicants have been arrested on 08/10/2016.

3. Case of the prosecution is that the applicant No.1-Sunil Ekka committed rape on the prosecutrix, aged 14 years. Allegation is that the other co-accused Sunil, Anish and Puja had gone to the house of the applicant No.1 and thereafter went to house of his mother Subhasho Bai, other co-accused, therefore, both the applicants are involved in the alleged offence.

4. Learned counsel for applicant submits that the applicants have been falsely

implicated in this case. He submits that the applicant No.1 is the brother of Anish Ekka. When Anish, Sunil Ekka, Puja and the prosecutrix went to the house of Sunil, he did not provide shelter to them on the ground that the prosecutrix is minor and thereafter, other three accused went to the house of Subhasho Bai, then she informed the applicant No.1 that Puja, Anish, Sunil had come along with the prosecutrix (minor), the applicant No.1 informed the police, therefore, the applicants are not at all involved in this case, in fact, on the information of the applicants, the police was successful in tracing and recovering the minor girl, who is alleged to have been raped by the co-accused Sunil, while moving along with Puja and Anish.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the prosecutrix, a minor girl, was kidnapped by Anish and other accused-Sunil and Puja and while moving from one place to another, they were in contact of the present applicants, as such, both the applicants are involved in the commission of offence.

6. Having considered the submission of learned counsel for the parties, I have perused the case diary. The statements prima facie reveal that the applicants had informed the police regarding whereabouts of the prosecutrix moving with other accused Puja, Sunil and Anish, initially, they were cited as prosecution witnesses and their statements under Section 161 Cr.P.C. have also been recorded and later on, at the time of filing of charge sheet, they were made accused.

7. Considering the aforesaid material on record, I am inclined to grant bail to both the applicants. Accordingly, the application is allowed. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. They shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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