

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2654 of 2016

1. Dharam Jeet @ Dharma S/O Late Dev Prasad Aged About 28 Years Caste Agariya, R/O Ranpur, P.S. Gandhinagar, Tahsil Ambikapur, Civil & Revenue District Surguja, Chhattisgarh.
2. Jailal S/O Late Dev Prasad Aged About 32 Years Caste Agariya, R/O Village Ranpur, P.S. Gandhinagar, Tahsil Ambikapur, Civil & Revenue District Surguja, Chhattisgarh.
3. Muneshwar S/O Mutton Aged About 45 Years Caste Agariya, R/O Village Krishnapur, P.S. Gandhinagar, Tahsil Ambikapur, Civil & Revenue District Surguja, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station A J A K Ambikapur, Civil & Revenue District Surguja, Chhattisgarh.

For Applicants : Mr. Nishikant Sinha, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

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 6-3-2016 in connection with Crime No.94 of 2016, registered at Police Station AJAK Ambikapur, Civil & Revenue District Surguja (CG) for the offence punishable under Sections 363, 366, 376, 386, 342 of IPC, Section 3 (2-5) of Scheduled Castes and Scheduled Castes (Prevention of Atrocities) Act and Sections 3, 4, 5, 6, 16 & 18 of the Protection of Children from Sexual Offences Act, 2012.
2. As per case of the prosecution, co-accused Bhoyala @ Bhola Rajwar on the pretext of marriage, took the prosecutrix from lawful guardianship from her parents to the house of the present applicants where he committed forcible sexual intercourse with her.

3. Learned counsel appearing for the applicants would submit that the applicants 1 and 2 are maternal uncle of the co-accused Bhoyala @ Bhola whereas applicant No.3 is his father. The applicants have been falsely implicated in the case as the house in which prosecutrix was kept and alleged sexual intercourse was committed with her, belongs to the present applicants. He further submits that when the prosecutrix and co-accused Bhoyala @ Bhola Rajwar were sitting near a pond, present applicants brought them to their house where they stayed for a day and then prosecutrix was brought back to her parental house by the present applicants. She has not stated any incriminating fact about the present applicants in her statement recorded under Section 161 of the Cr.P.C. He further submits that the applicants are in jail since 6-3-2016 and charge-sheet has been filed in this case, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary
6. Taking into consideration the facts of the case, nature of allegation leveled against the applicants, considering the statement of the mother of the victim and taking into consideration the role played by the present applicants, who appear to have brought back the prosecutrix to her parental house and considering the fact that the act is attributed to co-accused Bhoyala @ Bhola Rajwar, I am inclined to release the applicants on bail.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge

Raju