

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5665 of 2016

1. Dinesh Singh, S/o. Late Trilochan Singh, aged about 55 years, R/o. Village-Daridah, P.S. - Bhavnathpur, Garhwa, District – Garhwa (Jharkhand).
2. Kajal Kumari Singh, D/o. Vakildev Singh @ Vakil Singh, aged about 19 years, R/o. Village – Patila, P.S. - Kandi Garhwa, District – Garhwa (Jharkhand).
3. Smt. Urmila Devi, W/o. Vakil Singh, aged about 45 years, R/o. Village-Patila, P.S. - Kandi, District – Garhwa (Jharkhand)
4. Arun Jai Kumar Singh, S/o. Late Rajaram Singh, aged about 30 years, R/o. Karmaroad, Near Electric Office Aurangabad, P.S. - Aurangabad, District – Aurangabad (Bihar).

----Applicants

Versus

1. State of Chhattisgarh, Through : Chowki Manipur, Police Station – Ambikapur, District – Sarguja (C.G.)

---- Respondent

For Applicants	: Mr. C.J.K. Rao, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/09/2016

1. This is the first bail application 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.206/2016, registered at Police Station – Chowki Manipur, P.S. Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 317, 420, 120B, 419,

109, 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that on 16.03.2016, the applicant No.2, who was unmarried namely Kajal Kumari Singh gave birth to a child at Ambikapur hospital, thereafter, she along with applicant No.1, Dinesh Singh and applicant No.3, Smt. Urmila Devi fled away along with Arun Jai Kumar Singh by abandoning the child. The applicant No.4, Arun Jai Kumar Singh was the relative who is also involved in commission of crime.
3. Learned counsel for the applicants submits that the applicant No.2, Kajal Kumari Singh since was unmarried, she gave birth to a child out of the relation with some one Ansari, and child deserted as in order to save her face and wrong name was shown in the hospital record. It is further submitted that as per the instructions, the applicant No.2 is ready to keep the child along with other family members i.e. applicant No.1 and 3 and no purpose would be served if the applicants are kept in jail, therefore, the counsel prays that the applicant 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.
6. Considering the submission made by the learned counsel for the applicants on instruction that applicant No.1 to 3 are ready and willing to take back the child and accept the parentage of the child, considering the said submission and welfare and future of the child that she may not be forced to lead life of orphanage this Court is inclined to release the applicants on bail. The consideration of bail is

on the sole submission made on behalf of the applicant No.1 to 4 that they are ready to accept the child. In case the applicants backs out from their promise, it will amount to play fraud on the Court and in such case, appropriate proceeding may be drawn against all the applicants.

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 local 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