

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6191 of 2017

1. Kirit Ram Yadav S/o Late Heeralal Yadav, Aged About 60 Years R/o Village Chhatwan, Thana Rajadevri, District Baloda Bazar Bhatapara Chhattisgarh.
2. Rameshar S/o Sahasram Yadav, Aged About 45 Years R/o Village Chhatwan, Thana Rajadevri, District Baloda Bazar Bhatapara Chhattisgarh.
3. Faguram Deewan S/o Late Kartik Ram Deewan, Aged About 55 Years R/o Village Chhatwan, Thana Rajadevri, District Baloda Bazar Bhatapara Chhattisgarh.....(Applicants Name Not Mentioned In Order Sheet).

---- Petitioner

Versus

- State Of Chhattisgarh Through Thana Rajadevri, District Baloda Bazar Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Sameer Singh, Advocate
For Respondent/State	:	Ms. Sunita Jain, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2017

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.33/2017 registered at Police Station Rajadevri, District Baloda Bazar for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the prosecutrix was kidnapped by one co-accused Jitendra, who committed rape on the prosecutrix and the applicants are alleged to have assisted Jitendra in kidnapping of the prosecutrix, who is minor.

4. Learned counsel for the applicant submitted that the applicants have been falsely implicated and there is no involvement of the applicants in the alleged commission of offence. It is submitted that only on the ground that the applicants happens to be father and other relatives of co-accused Jitendra Yadav, they have

been involved in the case. It is submitted that the prosecutrix has not involved these applicants in the alleged commission of offence.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the manner, in which, co-accused kidnapped the prosecutrix and that the applicants, who are relatives of the co-accused, prima facie case is made out against the applicants.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the role alleged to be played by the applicants and that the investigation is complete, charge sheet has been filed and the applicants are not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicants.

7. 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.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that they shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E