

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.353 of 2017

1. Ramcharan S/o Jaisingh Gond, Aged About 22 Years R/o Thaggaon, Police Station- Khadgawa, District- Korea Chhattisgarh.
2. Smt. Anita Tigga, W/o Ajit Beck, Aged About 30 Years R/o Village- Khutgaon, Ambatoli, Police Station- Kunkuri, District- Jashpur, Presently R/o Village And Police Station- Khadgawa, District- Korea Chhattisgarh.

---- Petitioners

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Khadgawa, District- Korea Chhattisgarh.

---- Respondent

For Petitioners	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/01/2017

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.167/2016 registered at Police Station Khadgawa, District Korea for the offence punishable under Section 363, 366, 376 read with Section 34 of IPC and Section 4 & 5 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the prosecutrix, who is minor, was kidnapped by one Ajit Tigga along with Ramcharan and it is alleged that later on, Ajit Tigga took the prosecutrix to different places and resided with her and during that period, he committed rape on the prosecutrix. Allegation against the applicant No.2-Smt. Anita Tigga, who is the wife of Ajit Tigga, also aided in commission of offence by allowing her husband to keep the prosecutrix in her house and subjected to rape.

4. Learned counsel for the applicant submits that the statement of prosecutrix recorded under Section 164 Cr.P.C. clearly shows that co-accused Ajit Tigga is alleged to have committed rape and the statement also shows that the prosecutrix had also gone to different places along with Ajit Tigga, which prima facie reveals that she had some kind of relation with Ajit Tigga and it is a case of consent. It is also submitted that as far as allegation against the applicant No.2-Smt. Anita Tigga, who is wife of Ajit Tigga, is concerned, it is highly improbable that she was involved in aiding commission of offence and permitting such kind of relationship, which are illicit in nature.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that co-accused-Ajit Tigga had taken girl along with applicant-Ramcharan to different places and according to the prosecutrix, she had stayed with some days in the house of Ajit Tigga, during that period, she was also subjected to rape, therefore, 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 statement of the prosecutrix recorded under Section 164 of Cr.P.C. before the Magistrate and the allegation of commission of offence of rape is against co-accused Ajit Tigga and further that the investigation is complete and the applicants are not likely to abscond or tamper with the prosecution witnesses, the application is allowed.

7. 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**)

J U D G E