

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 630 of 2017

1. Smt. Geeta Verma W/o Sunil Verma Aged About 52 Years R/o Subhashnagar, Police Station Gandhinagar, Tahsil Ambikapur, District- Surguja, Chhattisgarh.
2. Ku. Pooja Verma D/o Sunil Verma Aged About 22 Years R/o Subhashnagar, Police Station Gandhinagar, Tahsil Ambikapur, District- Surguja, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- Police Station- Ambikapur, District- Surguja Chhattisgarh.

---- Respondent

Shri Arvind Sinha, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/02/2017

Heard.

The applicants have been arrested in connection with Crime No.703/2016 registered at Police Station – Ambikapur, District - Surguja (CG) for alleged commission of offences under Section 363, 366, 366A, 368, 376, 34 of IPC and Section 3, 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the co-accused – Aakash kidnapped and thereafter, committed rape on the prosecutrix.

3. Learned counsel for the applicants submits that the case of the prosecution, in so far as present applicants are concerned, is not made out. He submits that as per the statement of the prosecutrix recorded under Section 164 CrPC by the Magistrate, the prosecutrix has clearly stated that she and Aakash were in affair and eloped from their respective houses and thereafter, married on 16/10/2015. It is submitted that in her statement, she had clearly stated that there is no

involvement of any of the family members of Aakash in the case and whatever has happened, it happened between the prosecutrix and Aakash. It is argued that at this stage, the applicants may be granted bail because they are in jail since 07/11/2016, their further custodial interrogation is not necessary and they are not in a position to either tamper with the prosecution witnesses or otherwise affect fair investigation.

4. On the other hand, learned State counsel opposes bail application and submits that in view of nature and gravity of allegations and that the prosecutrix was less than 18 years of age, *prima facie* case is made out. He further submits that investigation is still going on and charge sheet has not been filed, therefore, they may not be granted bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix under Section 164 CrPC and submission of learned counsel for the applicants that the applicants have no involvement in the alleged commission of offence and they being ladies are not likely to abscond or adversely affect the progress of investigation and that nothing transpires from the case diary to show that their further custodial interrogation is necessary, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for 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 from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge

