

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. NO. 2463 OF 2017

1. Hariram Thakur, S/o Late Gandhi Ram Thakur, Caste- Halba, aged about 50 years
2. Dina Thakur, S/o Late Gandhi Ram Thakur, Caste- Halba, aged about 44 years
3. Nohar Singh Khare, S/o Late Gandhi Ram Thakur, Caste- Halba, aged about 51 years

All are residents of Village- Belmand, Police Station- Balod, District Balod (C.G.)

... Applicants

versus

State of Chhattisgarh, through Station House Officer, Police Station- Balod, District- Balod (C.G.)

... Non-applicant

For Applicants	: Mr. B.P. Singh, Advocate.
For Non-applicant/State	: Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/10/2017

1. The present is the first application filed under Section 439 of CrPC for grant of bail to the Applicants who are in jail since 3.1.2017 in connection with Crime No. 636/2016, registered at Police Station- Balod, District Balod, for the offence punishable under Sections 376, 313, 506-B, 420, 201, 120-B/34 of IPC and Sections 5(३)/6 of the POCSO Act.
2. As per the prosecution case, the Applicants are said to have in connivance with the other accused persons ravished the Prosecutrix who later on got conceived and the Applicants along with other accused persons had got the Prosecutrix aborted on which she later on complained and a case was registered against all the accused persons including the Applicants.
3. Learned Counsel for the Applicants submits that it is a case where the main allegation of rape is against one Rohit and that the only allegation against the present Applicants is of confining the girl to a room

and scolding and accosting her and that there is no allegation of the Applicants having ravished the Prosecutrix neither is there any personal allegation levied against the Applicants and that the only offence which could be attributed to the Applicants is only with the aid of Section 34 and that of under Section 120-B of IPC alone.

4. Learned Counsel for the State however opposing the application submits that the victim girl herself in her deposition has stated that the present Applicants together with some other accused persons had only locked her in a room, scolded and accosted her and thus the involvement of the Applicants *prima facie* established.

5. Having considered the contentions put forth on either side and taking note of the allegations which are made against the Applicants, there is ample evidence which would lead us to infer that the Applicants had not raped the victim and that the only allegation being that of scolding and accosting the victim, hence this Court is of the opinion that *prima facie* a strong case is made out for grant of bail to the Applicants.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Trial Court. The Applicants shall thereafter appear before the Trial Court on each and every date given by the said Court.

Sd/-
(P. Sam Koshy)
Judge