

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3098 of 2017**

1. Beeru @ Lakeshwar Sarthi & Anr. S/o Devdhar Sarthi Aged About 19 Years
R/o Basnajhar, Police Station Kharsiya, District Raigarh, Chhattisgarh.

2. Golu @ Dhanurjai Sarthi S/o Damrudhar Sarthi Aged About 20 Years R/o
Bhathapara, Police Station Dabhra, District Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Kharsiya,
District Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicants:	Shri Sumit Shrivastava, Advocate.
For State/Non-Applicant:	Shri Government Advocate.

Single Bench: Hon'ble Shri Prashant Kumar Mishra J
Order On Board

24.5.2017

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicants are arrested in connection with Crime No.347/2016 registered at Police Station – Kharsiya, District Raigarh (CG) for the offence punishable under Sections 363, 366, 376 IPC and 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

2. Although the prosecutrix is aged less than 18 years and has made allegations in her case diary statement and in her statement under Section 164 Cr.P.C as well, however, when examined in Court, she has resiled from her earlier statement and has not supported the prosecution.

3. Learned Counsel for the Applicants submits that the Applicants are innocent and have been falsely implicated in the alleged crime. He submits

further that there are no criminal antecedents of similar offence against them and are therefore liable to be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Having considered the facts and circumstances of the case, the nature of allegations, the offence is triable by the Special Judge, the Applicants are in jail since 22.09.2016 and that the prosecutrix has not supported the prosecution at the time of her examination in Court, this Court is inclined to release the Applicants on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed. It is made clear that if the Applicants involve themselves in the offence of similar nature in future, this order granting bail to the Applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Prashant Kumar Mishra)
Vacation Judge