

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1733 of 2017**

Sanat Kumar Gupta S/o Anand Prasad Gupta, aged about 35 years, R/o Baswahi, Police Station Sonhat District Korea Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police of Police Station Patna, District Korea Chhattisgarh.

---- Non-Applicant

And**MCRC No. 3356 of 2017**

Roopchand Gupta S/o Late Sitaram Gupta, aged about 27 years, R/o Anga Police Station Patna, District Korea Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police of Police Station Patna, District Korea Chhattisgarh.

---- Non-Applicant

For Applicants : Mr. Anil Gulati, Advocate

For Non-applicant : Mr. Adil Minhaj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/06/2017

1. Above mentioned two bail applications are arising out of a common Crime No. 274/2016, registered at Police Station Patna, District Korea (C.G.) for the offence punishable under Sections 363, 366, 376, 368, 342 r/w 34 of Indian Penal Code and Sections 4, 6, 19 and 21 of the Protection of Children from Sexual Offences Act, therefore, they are being heard analogously and decided by

this common order. Both are the first bail applications filed under Section 439 of the Cr.P.C.

2. As per the prosecution case, Roopchand Gupta alias Dev Gupta instigated the minor girl from the lawful custody of her parents and thereafter, kept in the house of Sanant Kumar Gupta and committed sexual intercourse with her on the pretext of marriage. Subsequently, it was found that Roopchand Gupta was married.
3. Learned counsel for the applicants would submit that the statement of the victim was recorded under Section 164 of Cr.P.C., which would show that no allegation of rape attributed to the present applicants. He would further submit that the applicants have been falsely implicated in this case and the charge sheet has been filed. He would lastly submit that the applicant Sanant Kumar Gupta is in custody since 09/01/2017 and the applicant Roopchand Gupta is in custody since 21/12/2016, therefore, they may be enlarged on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perused the statement of victim recorded under Sections 161 and 164 of Cr.P.C. and also the statement given to the Child Welfare Committee. Considering the allegation attributed against Roopchand Gupta and further taking into consideration the nature and gravity of offence and material brought on record, I am not inclined to release the applicant -Roopchand Gupta on bail. Consequently, bail application i.e. M.Cr.C. No.3356/2017 filed on behalf of applicant- Roopchand Gupta is rejected.

7. So far as the allegation against the applicant -Sanant Kumar Gupta is concerned, the statement shows that the victim and other co-accused Roopchand Gupta stayed in the house of the co-accused Sanat Kumar Gupta. Considering the role of applicant-Sanant Kumar Gupta for the offence in question and further considering his pretrial detention, this Court is of the opinion that present is the fit case, in which, the applicant- Sanant Kumar Gupta should be enlarged on regular bail.
8. Accordingly, the bail application i.e. M.Cr.C.No. 1733/2017 filed under Section 439 of the Code of Criminal Procedure on behalf of the applicant- Sanant Kumar Gupta is allowed.
9. It is directed that applicant, namely, Sanant Kumar Gupta shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Vacation Judge