

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3856 of 2017**

Shivpad Mandal S/o Late Kalicharan Mandal, Aged About 58 Years R/o Village Kamalpur, Police Station Ramanujganj, Hal Mukam Samri (Kutkuvan Parisar Colony) District Balrampur, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jaynagar, District Surajpur, Chhattisgarh .

---- Respondent

And**MCRC No. 4017 of 2017**

1. Rajesh Rai @ Raja S/o Sukhranjan Rai, Aged About 35 Years,
2. Smt. Nayantara Roy W/o Rajesh Rai, Aged About 35 Years

R/o Village Gorakhpur, Bishrampur, Police Station Bishrampur, District Surajpur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Jainagar, District Surajpur, Chhattisgarh.

--- Respondent

For the Applicants	:	Shri Manoj Paranjpe and Shri Vikram Dixit, Advocates (MCRC No.3856 of 2017)
	:	Shri S.R. Sinha, Advocate (MCRC No.4017 of 2017)
For the Non-applicant	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17/11/2017**

1. The aforesaid M.Cr.C.s are being disposed off by this common order.

Both are first bail application under Section 439 of the CrPC and there is

no bail application is pending before any other Court.

2. Perused the case diary provided by the learned counsel for the State in connection with the same Crime No. 52/2017 registered at Police Station Jainagar, District Surajpur (C.G.) for the offence punishable under Sections 363, 366, 376, 368, 506, 342, 120(b), 324 of the Indian Penal Code and Section 4 & 6 of POCSO Act 2012.
3. Case of the prosecution, in brief is that the date of birth of the prosecutrix is 19/10/1999, she is the resident of village Ajirama. On 26/12/2016 at 10.30 p.m. applicant called prosecutrix by mobile call. Prosecutrix came out near her house, accused Ramkrishna Mandal, his sister Nayantara and his brother-in-law Rajesh Rai @ Raja Rai were present. Accused Rajesh Rai and Nayantara told the prosecutrix that she must go along with accused Ramkrishna otherwise he would commit suicide if their brother died then they killed her father, accused Ramkrishna Mandal also told that if she would not performed the marriage then he will commit suicide. Accused Ramkrishna Mandal, Nayantara and Rajesh Rai taken away her then accused Ramkrishna Mandal taken away her in different places and committed sexual intercourse with her. Then after the prosecutrix and accused Ramkrishna Mandal return back in village Kamalpur Aragahi accused Meena Mandal and Shivpad Mandal kept her in their house. Accused Meena Mandal was beating her.
4. As per the copy dated 24/05/2017 accused Meena Mandal has granted anticipatory bail. The case of the applicant Shivpad Mandal is not different from the accused Meena Mandal. Thus, accused Shivpad Mandal is entitled for bail.
5. As per the statement of the prosecutrix recorded under Section 164 of

the CrPC accused Nayantara and Rajesh Rai @ Raja had told her that she go along with accused Ramkrishna Mandal otherwise he will commit suicide.

6. Learned counsel for the applicants argued that applicants are innocent and falsely implicated in this case, accused Meena Mandal has granted anticipatory bail and applicants are in jail since 04/05/2017 and 10/05/2017 respectively, thus they may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. Looking to these circumstances and other facts of the case, the applicants are in jail since May, 2017, charge-sheet has been filed, there is no likelihood that the said applicants may be absconded, there is no possibility of tempering of the evidence, thus this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicants.
9. Consequently, the bail applications filed under Section 439 of the Cr.P.C., are allowed.
10. It is directed that if the applicants furnishes one solvent surety for a sum of Rs. 20,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that they will appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge