

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4968 of 2017

1. Sukhwaro Minj W/o Mahajan Minj Aged About 56 Years Caste- Uraon, R/o Village Jagannathpur, Police Chowki- Khadgawan, Police Station Pratappur, District-Surajpur, Chhattisgarh.
2. Puppy Minj W/o Naresh Minj, Aged About 28 Years Caste- Uraon, R/o Village Jagannathpur, Police Chowki- Khadgawan, Police Station Pratappur, District-Surajpur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Incharge, Outpost Khadgawankala, Police Station Pratappur, District Surajpur, Chhattisgarh.

---- Non-applicant

For Applicants : Shri Rahul Mishra, Advocate.

For Non-applicant : Shri Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.11.2017

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 94/2017 registered at Outpost- Khadgawankala, Police Station - Pratappur District – Surajpur (C.G.) for the offence punishable under Sections 376, 294, 506, 323, 342, 368, 34 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that the prosecutrix is near about 19 years old. The accused Bal Govind Minj is an Army Man. On 15.05.2015, the said accused committed sexual intercourse with the prosecutrix by making a promise of marriage. Thereafter, the physical relationship was continued. The prosecutrix had lodged a report in Police Chowki, Khadgawan. Thereafter, the accused Bal Govind Minj taken her to his house saying that he would marry her. In the house of the said accused, the applicant- Sukhwaro Minj who is the mother of the said accused and the applicant-Puppy Minj who is the Bhabhi of the said accused, had beaten her and also confined her in a room.

4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the case, therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to these circumstances and other facts of the case, looking to the nature of the offences registered against the applicants, looking to the punishments, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicants are in custody since 07.07.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicants.

7. Consequently, the bail application is allowed.

8. It is directed that if the applicants furnish 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 Trial Court with the condition that they will appear before the Trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, they shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE