

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6624 of 2017

Rajendra Prasad S/o Mangal, Aged About 40 Years By Caste -
Rajput, R/o Hardi, Bazar, Tahsil Katghora, District Korba
Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police Station
Out Post Hardibazar, Police Station Kusmunda, District Korba
Chhattisgarh. --- **Respondent**

MCRC No. 6636 of 2017

1. Vimla Bai W/o Shyamlal Sahu, Aged About 55 Years R/o Lotanpara,
Utarda Chowki, Hardibazar, District Korba Chhattisgarh.
2. Gangaram Sahu S/o Ramkumar, Aged About 30 Years R/o Dipka
Somwari Bazar, District Korba Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police Station
Out Post Hardibazar, Police Station Kusmunda, District Korba
Chhattisgarh. --- **Respondent**

For the applicants	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.12.2017

1. These are two first bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 143/2017 registered by Out Post Hardibazar, Police Station Kusmunda, District Korba (C.G) for the offences punishable u/ss 315, 376, 120-B, 201, 506, 34 of IPC and sections 4-8 of the Protection of Children from Sexual offences Act.
2. Since both these bail applications are relating to the same crime number, they are disposed of by this common order.

3. As per the prosecution case, a report was made by one Suman Sahu on 11.08.2017 that one Surendra sahu has forcibly committed rape while she was alone in the house; thereafter when she disclosed her pregnancy to her parents, accused Vimla Bai who is aunt (*Badi Maa*) of the victim took her to the clinic of Rajendra Prasad wherein she was forcibly aborted by her and after the child was born, it was thrown away.
4. Learned counsel for the applicants submits that there is no evidence against the present applicants and even no recovery of the child has been made. He further submits that the charge sheet has been filed and the applicants are in jail since 11.08.2017, therefore, the applicants may be enlarged on bail.
5. On the other hand, learned State Counsel opposes the bail application.
6. Considering the facts and circumstances of the case and the nature of evidence available as also the fact that the charge sheet has been filed and the applicants are in jail since 11.08.2017 I am inclined to allow these bail applications.
7. Accordingly, both the applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE