

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6651 of 2017**

1. Pawan Kumar Agariya S/o Late Premlal Agariya, Aged About 23 Years R/o Janakpur, District Korea Chhattisgarh
2. Vinod Kumar Dahiya, S/o Ramprakash Dahiya, Aged About 23 Years R/o Janakpur, District Korea Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police of P. S. Janakpur, District Korea Chhattisgarh

---- Respondent

For Applicants	:	Shri Y.C. Sharma, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/12/2017**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 06.05.2017 & 08.05.2017, respectively, in connection with Crime No. 49/2017 registered at Police Station Janakpur, District Korea (CG) for the offence punishable under Sections 376, 306 r/w 34 of the I.P.C., Sections 3, 4, 16 & 17 of the Protection of Children from Sexual Offences Act and Section 3 (1) (12), 3 (2) (5) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. As per the prosecution case, one Basanti committed suicide by hanging on 04.05.2017. It is alleged that she was in relation with one Surraj Khan, who had committed forceful sexual intercourse with her and when the marriage

of Basanti was fixed, Surfraj along with the present applicants Pawan Kumar Agariya & Vinod Kumar Dahiya pressurized her not to marry and Surfraj Khan has assaulted the deceased, on account of which she committed suicide.

3. Learned counsel for the applicants submits that the main allegation is against Surfraj Kahn and the allegation against the present applicants is that they were pressurizing the deceased not to perform marriage. He would further submit that the allegation of assault is confined to only Surfraj and the applicants have not abetted the deceased, therefore, no offence is made out against the present applicants and they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statements of the father & mother of the deceased, wherein the main allegation of assault & rape has been attributed to Surfraj Khan. Considering the same and the nature of allegations made against the present applicants, I am inclined to release the applicants on bail.
6. Accordingly, the application is 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 in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Goutam Bhaduri
Judge

Ashu