

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8636 of 2016

1. Makundar Lohar S/o S/o Thuklu Lohar, Aged About 34 Years R/o Village- Sarga, Thana And Tahsil- Sitapur, District- Ambikapur Chhattisgarh, Civil And Revenue District- Ambikapur, District- Ambikapur Chhattisgarh.
2. Ajanti Bai, W/o Makundar Lohar, Aged About 32 Years R/o Village- Sarga, Thana And Tahsil- Sitapur, District- Ambikapur Chhattisgarh, Civil And Revenue District- Ambikapur, District- Ambikapur Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kansabel, District- Jashpur Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Manoj Chauhan, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-01-2017

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 5-10-2016 in connection with Crime No. 172 of 2016, registered at Police Station Kanasbel, District Jashpur (CG) for the offence punishable under Section 376 (2)(f), 506, 313, 327 & 201 of the IPC and Section 3 (2-5), 3 (b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that one Amar Sai, who is step-father of the victim girl, committed rape on her till June 2016 when her mother was out of station whereby she became pregnant. Present applicants who are son-in-law and daughter of Amar Sai, gave medicine to victim

girl for abortion which caused abortion and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that main allegations have been attributed against Amar Sai, who is step-father of the victim girl, present applicants have not committed any offence and they have been falsely implicated in the case. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 5-10-2016 and no further investigation is required, therefore, they may be released 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, perused the case diary and documents. It appears that the main allegations have been attributed against Amar Sai, who is step-father of the victim girl.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 5-10-2016, this court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

