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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8126 of 2017**

1. Asha Devi Rajput W/o Shri Ram Singh Rajput Aged About 28 Years R/o Ramnagar Word No. 8, Kalimai Mandir Gali, Rajnandgaon, District Rajnandgaon Chhattisgarh, Chhattisgarh
2. Ram Singh Rajput S/o Shri Lekhram Rajput R/o Ramnagar Word No. 8, Kalimai Mandir Gali, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Chikhli, Tahsil And Civil And Revenue Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sunil Sahu, Advocate on behalf of Shri N. Naha Roy, Advocate.
For the Respondent/State	:	Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.254 of 2017, registered at Police Station – Chikhli, District - Rajnandgaon, Chhattisgarh for the offences punishable under Sections 363, 366(a), 372, 376 and 34-B of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case on the basis of the false statement made by the complainant/ prosecutrix. The main accused - Jyoti Lanjhewar @

Jyoti Wahne in this case has been granted bail by the Co-ordinate Bench of this Court and the applicants also have a similar case for grant of bail. Hence, it is prayed that the applicants be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the prosecutrix went missing on 9.3.2017 and a missing report was lodged by the father of the prosecutrix. During search, she was recovered on 9.8.2017 from Rajnandgaon Railway Station. According to the statement given by the prosecutrix, the FIR was lodged against unknown persons. During investigation, it was disclosed that the prosecutrix was forced for prostitution by the main accused – Jyoti Lanjhewar @ Jyoti Wahne and both these applicants made use of the services of the prosecutrix, wherein on the compulsion given by applicant No.1, applicant No.2 had sexual intercourse with the prosecutrix without her consent and willingness. Hence, this case.

6. Considering the material present in the case-diary, taking into consideration the fact that the main accused Jyoti Lanjhewar @ Jyoti Wahne who compelled the prosecutrix for prostitution has been granted bail by the Co-ordinate Bench of this Court, I am of the considered opinion that the applicants deserve to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge