

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1382 of 2018

- Ramdas S/o Late Sukhdev Gond, Aged About 50 Years, R/o.- Sundarpur, Patrapara, Police Station Sonhat, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police of Police Station- Sonhat, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

MCRC No. 1221 of 2018

- Shyamjira W/o Ramdas Gond, Aged About 48 Years, R/o.- Sundarpur, Patrapara, Police Station Sonhat, District-Korea (C.G.), District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through- Station House Officer, Police of Police Station- Sonhat, District- Korea (C.G.), District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicants – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-04-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.115/2017, registered at Police Station Sonhat, District- Korea, C.G., for the offence under Section 363, 366, 376, 302, 328, 368 read with Section 34 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, they are being decided by this common order.

2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicants for grant of regular bail. Applicant Ramdas (in MCRC No.1382/2018) has been arrested on 20-11-2017 and applicant Shyamjira (in MCRC No.1221/2018) has been

arrested on 30-11-2017 in connection with aforesaid crime number and offences.

3. It is submitted on behalf of the applicants in both the applications that the applicants have been falsely implicated in this case. No case is made out against them, according to the material present in the charge sheet. The oral dying declaration of the deceased had been only against the main accused Budhram. These applicants have been roped only for the reason that they are father and mother of the main accused person. The applicants are in custody since 20-11-2017. They are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that both these applicants had been actively engaged in commission of all the offences by the main accused person. Hence, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on 12-11-2017 the main accused Budhram abducted the minor victim and took her to his own house where she was kept in confinement with the assistance of these two applicants. On 15-11-2017 the victim was found wreathing with pain outside the house of the applicants, on enquiry made by mother and other witnesses the victim made statement that she was raped by main accused Budhram and thereafter he had forcefully administered some poisonous substance to her. Subsequent to that, the deceased died. Charge sheet has been filed after completion of the investigation.

7. After considering on the material present in the case diary and also specific allegation and oral dying declaration that is made only against main

accused Budhram and the fact that presence of these applicants in the same house cannot be said to be unnatural, I am of this view that these applicants should be released on bail during pendency of the trial against them.

8. Consequently, all these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge