

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5125 of 2017**

Blasius Ekka S/o Bhagud Ekka, Aged About 52 Years Caste Uraon,
R/o Sambhalpur, Police Station Jainagar, District Surajpur
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jainagar District
Surajpur, Chhattisgarh.

---- Respondent

And**M.Cr.C. No. 5184 Of 2017**

Sunil Ekka S/o Blasius Ekka, Aged About 24 Years Caste Uraon,
R/o Sambhalpur, Police Station Jainagar, District Surajpur
Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Police Station Jainagar District
Surajpur, Chhattisgarh.

---- Respondent

For the Applicants : Shri A.K. Prasad, Advocate.

For the Respondent/State : Shri Anand Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.01.2018**

1. Both these applications are being decided by this common order as they arise from the same incident. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them who have been arrested in connection with Crime No. 142 of 2017, registered at Police Station – Jainagar, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code, Sections 9 and 10 of the Child Marriage

Prohibition Act and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that the applicants are in jail since 15.6.2017 and they have been falsely implicated in these cases. On the basis of the material on record, no case is made out against them. The prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution. The co-accused persons in this case have already been granted anticipatory bail by the Sessions Court hence, under these circumstances, the applicants also deserves to be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that it is a case of child marriage which was performed despite the warning given by the authorities. The prosecutrix is aged about 14 years and has been subjected to forceful sexual intercourse because of which the applicants do not deserve to be enlarged on bail.

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

5. The complaint was filed by the Project Officer of Integrated Child Development Department stating that a child marriage has been performed by applicant – Sunil Ekka with a minor girl aged 14 years despite being warned by the project officer and on the basis of this complaint the case was registered.

6. Considering the submissions and the contents of the case diary, the certified copy of the statement given by the prosecutrix, which has been placed on record and taking into consideration the circumstances at present and the status of the case against the applicants, I am of the view that the applicants should be granted regular bail during the pendency of the trial. Hence, both these applications are allowed.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are 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/- 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