

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 307 of 2018

1. Mannulal S/o Bhuneshwar Satnami, aged about 21 years,
 2. Dheeraji, S/o Bhuneshwar Satnami, aged about 26 years
 3. Bhuneshwar S/o Dharamdas Satnami, aged about 55 years,
 4. Laxmi Bai, W/o Bhuneshwar Satnami, aged about 48 years,
 5. Uma Shankar S/o Bhuneshwar Satnami, aged about 18 years,
- All R/o Janglor, Police Station Palari, District- Baloda Bazar- Bhatapara, Chhattisgarh.

--- Applicants

Versus

State of Chhattisgarh Through- Station House Officer, Police Station Nevra, District- Raipur (C.G.).

---- Respondent

For Applicants	:	Mr. A.S. Rajput, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

27/04/2018

1. Mr. A.S. Rajput, counsel appearing on behalf of the applicants does not want to press this application on behalf of the applicant no. 1, Mannulal.
2. Thus, this application on behalf of applicant no. 1 is dismissed as not pressed.
3. Applicants namely Dheerji (brother of main accused- Mannulal), Bhuneshwar (father of the Mannulal), Laxmi Bai (mother of the Mannulal) and Uma Shankar (younger brother of the Mannulal) have filed this application for grant of anticipatory bail as they

are apprehending their arrest in connection with Crime No.43/2018 registered at Police Station- Nevra, Raipur (C.G.) for the offence punishable under Sections 363, 366 and 376 of IPC & Section 4, 6 and 17 of POCSO Act.

4. Case of the prosecution in brief is that the prosecutrix, aged about 17 years along with her parents had gone to work in 'Itta Bhatta'. It is alleged that on 15/06/2017, accused- Mannulal on the pretext of marriage had took her away to Devri and committed sexual intercourse with her. Then, the accused- Munnalal took her to his village- Janglore, where also, he committed sexual intercourse with the prosecutrix. The prosecutrix became pregnant, then he denied to perform the marriage and said that she and her parents belong to different caste and also assaulted them. Then, the prosecutrix lodged the FIR.
5. Learned counsel appearing on behalf of the applicants No. 2 to 5 submits that the applicants are mother, father and brothers of the main accused- Mannulal. As per Aadhar card, the date of birth of the prosecutrix is 01/01/1998, she is aged about 19 years. He further submits that the prosecutrix and accused- Mannulal had performed marriage and the marriage card is annexed as Annexure-A-3. He further submits that during pregnancy, the prosecutrix was examined at Primary Health Center Bihala, where also, the age of the prosecutrix was mentioned as 20 years. There is no direct evidence against applicant Nos. 2 to 5 for commission of the alleged offence, therefore, they may be extended the benefit of anticipatory bail.
6. On the other hand, learned counsel appearing on behalf of the

State has opposed the bail application.

7. Considering the facts and circumstances of the case, particularly, considering the role played by applicant No. 2 to 5, without further commenting on merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, MCRCA No. 307/2018 is allowed.
9. It is directed that in the event of arrest, applicant No. 2 to 5 shall be released on bail on each of them furnishing a bond in the sum of Rs.10,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 - i. That, applicant No. 2 to 5 shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - ii. That, applicant No. 2 to 5 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - iii. That, applicant No. 2 to 5 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. That, applicant No. 2 to 5 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
10. Certified copy, as per rules.

Sd/-
Judge
Arvind Singh Chandel