

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2470 of 2018**

1. Surendra Prasad Sao, son of late Santu Sao, aged about 53 years, R/o Village Saraidih, P.S. Bhandariya, District Garhwa (Jharkhand)
2. Mahendra Sao, son of Parvej Sao, aged about 30 years, R/o Village Khutar, P.S. Chainpur, District Palami (Jharkhand)

---- Applicants

versus

State of Chhattisgarh through Station House Officer, Police Station
Lundra, District Surguja, Chhattisgarh

---- Respondent

For Applicants	:	Shri C.B. Kesharwani, Advocate
For Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****8.5.2018**

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 in connection with Crime No.133 of 2017 registered at Police Station Lundra, District Surguja for offence punishable under Sections 363, 366, 368, 376(2)(a) of the Indian Penal Code and Sections 5(a) and 6 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on a report made by Rekha Gupta, wife of co-accused Ajay Kumar, police has registered the aforesaid crime against the present Applicants. It is alleged that co-accused Ajay Kumar, leaving her married wife, has illegally solemnised marriage with the prosecutrix aged about 15 years on 10.3.2017.

3. Learned Counsel appearing for the Applicants submits that the main accused is Ajay Kumar who has performed marriage with the prosecutrix. He has been granted regular bail by this Court vide order dated 22.3.2018 passed in M.Cr.C. No.552 of 2018. The only role of the present Applicants is that they had attended the marriage ceremony as invitees (*Barati*). They are in custody since 21.2.2018. Therefore, they may be released on bail.
4. Learned Counsel appearing for the Respondent/State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case, particularly that the main accused Ajay Kumar has been granted bail and also considering the nature of allegation made against the present Applicants and they are in custody since 21.2.2018, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.10,000/- with one local solvent surety in the like sum to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE