

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7913 of 2017**

1. Kamlesh Markam S/o Tholu Markam, Aged About 30 Years, R/o Raja Bhanpuri, P. S. Lalbagh, District Rajnandgaon Chhattisgarh, Chhattisgarh
2. Samaru Devar S/o Ankalu Devar, Aged About 20 Years, R/o Raja Bhanpuri, P. S. Lalbagh, District Rajnandgaon Chhattisgarh , District : Rajnandgaon, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pulgaon, District Durg Chhattisgarh, Chhattisgarh

**---- Non-applicant**

---

For Applicants – Shri Shikhar Bakhtiyar, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**15-02-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application filed before this Court by the applicants for grant of regular bail. The applicants have been arrested on 28-10-2017 and 30-10-2017 in connection with Crime No.470/2017 registered at Police Station Pulgaon, District Durg, Chhattisgarh for the offence under Section 363, 354/34 of the IPC and Section 8 of POCSO Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. No case is made out against them. The applicants are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be released on regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that age of the prosecutrix has been found in the investigation to be 14 years on the date of incident. Hence, it is a case of child abuse, because of which, the applicants are not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.

5. The victim aged about 14 years had been to market when she was forced to sit on motorcycle by both the applicants, thereafter they took her to a lonely house where both of them touched her cheek and chest and thus outraged her modesty. After arrival of the witnesses, the applicants fled from the spot. Charge sheet has been filed after completion of the investigation.

6. Considered on the submissions made and contents of the case diary.

7. As the applicants are local residents of District Rajnandgaon, their appearance before the trial Court can be ensured, trial against them is likely to take some time before its conclusion, hence for these reasons, I am of this view that the applicants should be released on bail in the present matter.

8. Consequently, the application (MCRC No.7913/2017) filed under Section 439 of the Cr.P.C. by the applicants is 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**