

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3194 of 2018**

1. Dev Prasad Singh, S/o. Jairam Singh, Aged About 46 Years,
 2. Sulochani Singh, W/o. Dev Prasad Singh, Aged About 38 Years,
- Both are R/o- Kochila Kewtapara, P.S. Patna, District- Korea, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station Patna, Civil And Revenue District- Korea, Chhattisgarh.

---- Respondent

For Applicants : Mr. Kaushal Yadav, Advocate

For State/respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.56/2018, registered at Police Station – Patna, District – Korea (C.G.), for the offence punishable under Section 363, 366, 368, 376, 506, 312 of the Indian Penal Code and Section 4, 19, 6, 21 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 07.03.2018. Charge-sheet has been filed after completion of investigation. No case is made out against this applicant. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix in this case was minor on the date of incident, hence, the submission about consent is immaterial, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against this applicant is that he abetted the minor prosecutrix and thereafter, he kept her in the house of these applicants, who happened to be the parents of the main accused Tuleshwar. It is further alleged that when the prosecutrix, who is the minor became pregnant, her pregnancy was aborted by the applicants with the help of some herbal remedies twice. Subsequently the prosecutrix has been driven out of the house of these applicants.
6. Considered on the submissions made and the contents of the case diary. The only issue that appears is the age of the prosecutrix. The allegation against these applicants is limited, that they have given shelter to the main accused and the prosecutrix in their house for some time. Hence, after due consideration of all the aspects of the case against the applicants and for the reasons that the applicants are not

the main accused in this case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge