

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5152 of 2018**

1. Manouti W/o late Gopal, aged about 47 years.
2. Dilbasiya, W/o Indra Dev, aged about 65 years.
3. Suman, W/o Achhe, aged about 22 years.
4. Punita W/o Sagar, aged about 20 years.

All are resident of Khongapani, P.S. Jhagrakhand, Tahsil Manendragarh,
District Korea (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Jhagrakhand,
District Korea (CG).

---- Non-applicant

For Applicants : Mr. Akhtar Hussain, Advocate.

For Non-applicant : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.08.2018**

1. Heard on I.A. No.1/2018 application for modification the name of the applicant No.4 namely Sunita (Real name is Punita).
2. Upon due consideration, I.A. No.1/2018 is allowed.
3. Counsel for the applicants is directed to modify the name of applicant No.4 in the array of cause title and show the name of applicant No.4 as Punita instead of Sunita.
4. This is first bail application under Section 439 of the Cr.P.C. Preferred by the applicants before this Court and no other bail

application is pending before any other Court.

5. Perused the case diary provided by the counsel for the State in connection with crime No.79/2018 registered at Police Station Jhagrakhand, District Korea for the offence punishable under Sections 376(2)(n), 323, 109/34 of IPC and Sections 4, 6, 18 of Protection of Children from Sexual Offences Act, 2012.

6. Case of the prosecution, in brief is that in the month of April, 2013, the age of the prosecutrix was near about 13 years old. The love and affection was developed between the prosecutrix and Sagar. On 26.04.2018, Sagar took away the prosecutrix giving the pretext of marriage and committed sexual intercourse with her. The present applicants/accused namely Manouti, Suman, Dilbasiya and wife of Sagar i.e. Punita told the prosecutrix to abscond with Sagar. Thereafter, prosecutrix fled away with Sagar. When the prosecutrix went in the house of Sagar, the applicants had beaten the prosecutrix and thereby committed the aforesaid offences.

7. The applicants are in custody since 03.07.2018.

8. Counsel for the applicants submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case and being the ladies, therefore, they may be released on bail.

9. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants and submits that there is no previous antecedents against the applicants.

10. I have heard counsel for the parties and perused the case diary with utmost circumspection.

11. Looking to the above mentioned facts and circumstances of the

case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.

12. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

13. It is directed that if the applicants furnishes one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail.

14. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-