

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 6472 of 2018**

Hariram Chauhan S/o Dokri Ram Chauhan, aged about 55 Years, R/o-  
 Village Rairuma Khurd P.S. Dharamjaigarh, District- Raigarh, Civil And  
 Revenue District- Raigarh, CG

---- Applicant

**Versus**

The State of Chhattisgarh through- Police Station- Dharamjaigarh,  
 Raigarh, District- Raigarh, CG

----respondent

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| For applicant        | Mr. Ashutosh Mishra, Adv. |
| For Respondent/State | Mr. Satish Gupta, GA      |

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**HON'BLE SHRI JUSTICE SHARAD KUMAR GUPTA**

**ORDER ON BOARD**

**10-10-2018**

1. Heard on I.A. No. 1/2018 for taking documents on record.
2. On due consideration, I.A. No. 1/2018 is allowed. The documents are taken on record.
3. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
4. The applicant has been arrested in connection with Crime No. 8/2018 registered in police station Dharamjaigarh, Distt. Raigarh (CG) for offence punishable under Section 363, 366-A, 372, 511, 370, IPC and Section 17 and 18 of the Protection of Children From Sexual Offences Act.
5. Prosecution story in brief is that on 25-12-2017 prosecutrix was aged about 14 years and 4 months. She is resident of village Rairumakhurd. On 25-12-2017 at about 9 pm co-accused Sushila @ Jobhiyain, Amar Sai @ Jabhiha and applicant took the prosecutrix and brought her to their house where co-accused Jogiram was present. Co-accused Jogiram took the prosecutrix to village Jhingol on motorcycle, thereafter they took the prosecutrix to Atra (UP) for prostitution, they have tried to sale her.
6. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail.
7. On the other hand, the State Counsel opposed the bail application. He also submits that no criminal antecedent of the applicant is reported in police case diary.
8. As per certified copy of the statement of the prosecutrix she had

stated that accused persons had not committed anything with her. She had left her parent's house due to quarrel happened between her parents. She had gone to her maternal grand mother's house.

9. Looking to the above mentioned facts of the case and as per the submission of the Govt. Adv. that there is no criminal antecedent of the applicant, looking to the fact that co-accused Jogiram Chauhan has been granted bail by this Court in MCRC No. 5718/2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed and he would cooperate during the trial, he be released on bail.
10. CC as per rules.

**Sd/-**  
**(Sharad Kumar Gupta)**  
**Judge**