

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6344 of 2018

- Albis Kuzur And Anr. S/o Late Sonsai Aged About 44 Years Caste- Uranv, R/o- Village Keluaa P.S. Kelhari, District- Korea, Chhattisgarh.,
- Siliya W/o Albis Kuzur Aged About 37 Years Caste- Uranv, R/o- Village Keluaa P.S. Kelhari, District- Korea, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- S/o Kelhari, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	: Smt. Usha Chandrakar, Advocate
For Respondent/State	: Shri Ravindra Agrawal, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/09/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.33/2017 registered at police station Kelhari district Koriya (CG) for the offence punishable under Sections 363,366,376(2),344,506,365 and 368 IPC and Sections 5(3),(6) of the Protection of Children from Sexual Offences Act.

As per prosecution case, on 21.05.17, report was lodged by the prosecutrix alleging that on 14.04.17 at 9.00 p.m., when her parents had gone to attend the marriage in the family, son of the applicants namely Ashish came to her allured her on the pretext of marriage and committed sexual intercourse with her in his house where he was residing with his parents (applicants). It is stated that when the parents of the prosecutrix had come along with the police in search, she was recovered.

Counsel for the applicants submits that there was love affair between the son of the applicants and the prosecutrix. She further submits that the applicants are parents and neither they are aware about the incident nor have assisted their son. She submits that the applicants are in jail since 20.06.18 and the trial will take time for final disposal and therefore they may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicants, I am inclined to release them on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants furnishing a personal bond of Rs. 20,000/- with one surety each in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail.

Sd/-

(Rajani Dubey)
Judge