

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6639 of 2018

1. Gurnam @ Chhotu, S/o Laikhan, Aged About 20 Years,
2. Bhagiram Kashyap, S/o Laikhan Kashyap, Aged About 25 Years,
3. Sonu Kashyap @ Raj @ Manmohan, S/o Sunder Lal Kashyap, Aged About 19 Years,

All are R/o School Para, Asana, District- Bastar, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh, Through The Police Station Frezerpur/parpa, District- Bastar, Chhattisgarh

---- Respondent

For Applicants	: Shri Pravin Kumar Tulsyan, Advocate.
For Respondent/State	: Shri Dilman Rati Minj, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

05/10/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with Crime No. 09/2018, registered at Police Station Frezerpur/Parpa, District – Bastar (C.G.) for the offence punishable under Sections 363 and 366 of the IPC.
2. As per the prosecution story, on 12.01.2018 the father of the prosecutrix lodged a report against the present applicants and one more person alleging in that the applicants have abducted her daughter on 21.05.2017 and left her to the house of co-accused Kamal where he kept prosecutrix as her wife on the pretext of marriage and, thereafter, he committed rape on her. Later on he refused to marry her. On the basis of this report, FIR has been registered against the applicants and they have been arrested on 31.01.2018.

3. Learned counsel appearing on behalf of the Applicants submits that applicants are innocent and they have been falsely implicated in the present case. He further submits that charge-sheet has already been filed and the applicants are in custody since 31.01.2018 and trial will likely to take some more time. It has been further argued that the prosecutrix is not below the age of 18 years and there is no evidence against the present applicants, and in fact, it is the co-accused Kamal, who is the real culprit, therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case and further considering the fact that the applicants are in custody since 31.01.2018, charge sheet has been filed, therefore, trial will take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- to each with one surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge