

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6623 of 2018

- Shailesh Kumar Patel @ Chhotu S/o Shri Arun Kumar Patel Aged About 22 Years R/o- Village Korbi, Police Chowki- Korbi, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Nandini Nagar, District- Durg, Chhattisgarh.

---- Respondent

MCRC No. 6682 of 2018

- Vinod Singh @ Sonu & Anr. S/o Shiv Singh Rajput Aged About 25 Years R/o Village Korbi, police Chowki- Korbi, district- Korba, Chhattisgarh.
- Ravindra Kumar Yadav @ Golu S/o Dinesh Kumar Yadav Aged About 24 Years R/o Village Korbi, police Chowki- Korbi, district- Korba, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Nandini Nagar, District- Durg, Chhattisgarh.

---- Respondent

For Applicants : Shri Pushpendra Kumar Patel Advocate in
M.Cr.C.No. 6623/2018 and Shri T.K.Jha, Advocate in
M.Cr.C. No. 6682/2018.
For Respondent/State : Shri Samir Behar, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

06/10/2018

As these two applications have been filed by the applicants under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.133/2018 registered at police

station Nandini Nagar, District Durg (CG) for the offence punishable under Sections 363,366 and 376,34 IPC and Section 5 (L) and 6 of the Protection of Children from Sexual Offences Act, 2012, they are being disposed of by this common order.

As per prosecution case, accused/applicant Vinod Singh was having love affair with the prosecutrix and on 19.05.18, he abducted the prosecutrix with an intention to marry her. It is further case of the prosecution that other co-accused have helped in abducting the prosecutrix. Report was lodged by the sister of the prosecutrix. Accused/applicant after abducting her took her to the hotel at Ratanpur and there he committed sexual intercourse with her on the pretext of marriage

Counsel for the applicants submits that applicant Vinod Singh in M.Cr.C. No. 6682/2018 is the main accused and he was having love affair with the prosecutrix whereas there is no specific allegation against the other accused/applicants. He submits that the applicants are in jail since 28.05.18 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 and submits that the prosecutrix was minor on the date of incident.

Considering the totality of the facts and circumstances of the case, in particular the fact that it is the applicant Vinod Singh who was the main accused who have committed the offence, application on his behalf is concerned, I am not inclined to release him on bail. Accordingly, application filed under Section 439 of the Code of Criminal Procedure, on his behalf is rejected.

So far as the applications filed on behalf of applicants namely Ravindra Kumar Yadav @ Golu and Shailesh Kumar Patel @ Chhotu are concerned, I

am inclined to release them on bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are 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