

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7464 of 2018**

1. Sharda Tiwari W/o Keshav Tiwari Aged About 35 Years

2. Ravindra Kumar S/o Ramlal Aged About 29 Years,

Both are R/o Badan Singh Mohalla, Manedragarh, P. S. And Tahsil Manedragarh, District Korea Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, P. S. Manedragarh, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Akhtar Hussain, Advocate
For the State	:	Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26/11/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.265/2018 registered at Police Station Manendragarh, District Korea (C.G.) for the offence punishable under Section 506/34, 376 of IPC and Section 04, 6 of POCSO Act.
3. Case of the prosecution, in brief is that the prosecutrix is near about 20 years old. Applicant No. 1 Sharda Tiwari is the mother of the prosecutrix. Since year 2012 when prosecutrix was 13 years old applicant No. 2 Ravind Kumar had committed forcibly sexual intercourse with her. Applicant No. 1 was aiding to applicant No.2 Ravind Kumar. Both the applicants were beating her and used to give threatening to kill her. In the month of April 2018 applicant No. 2 Ravind Kumar had committed forcibly ceremony of marriage.
4. Learned counsel for the applicant submits that they have innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
6. Counsel for the applicants drew my attention from the statement of the prosecutrix recorded on 08/06/2018.
7. After 08/06/2018 prosecutrix had given the application on 20/08/2018 making the allegations against the applicants.
8. Looking to the facts and circumstances of the case, looking to the statement of the prosecutrix recorded under Section 164 of CrPC, looking to the

seriousness of the alleged offence and looking to the impact of granting bail to the applicants on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde