

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7991 of 2018**

Parth Sarthi Singh, S/o Sadanand Singh, aged about 23 years, R/o Chandli,
P.S. Kotpadh Orissa. **---- Applicant**

Versus

State of Chhattisgarh, through P.S. Nagarnaar, District Bastar (CG).
---- Non-applicant

AND**MCRC No.8633 of 2018**

Murli Harijan, S/o Shri Piladas Harijan, aged about 29 years, R/o Village/Ward
Chandili, G.P./Town, Chandili, P.S. Kotpad, District Koraput (Odissa).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Nagarnar, Civil & Revenue
District Bastar (CG). **---- Non-applicant**

For Applicants : Mr. Vikas A. Shrivastava & Mr. Mayank Chandrakar,
Advocates

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14.11.2018**

1. Above mentioned two bail applications arise out of a common Crime No.141/2018 registered at Police Station Nagarnaar, District Bastar for the offence punishable under Sections 366, 376/34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that on 11.06.2018 the prosecutrix was aged about 23 years. She is a resident of village Dhanpunji. On 11.06.2018 at about 5:00 pm, co-accused Sanjay Bisai seated her on his motor-cycle and told her that he will leave in the house of her maternal grandmother. He stopped his motor-cycle at near one White Bollero vehicle. Applicants Murli Harijan and Parth Sarthi Singh pushed her forcefully in the Bollero vehicle and, thereafter, applicant Murli Harijan took away her to Odissa and where committed sexual intercourse with her.
3. Counsel for the respective applicants submitted that the applicants are

innocent and have been falsely implicated in the present case hence they may be released on bail.

4. Counsel for the State opposed the prayer for grant of bail. However, he submits that no criminal antecedent reported against the applicants in police case diary.
5. I have heard counsel for the parties and perused the case diary with utmost circumspection.
6. As per statement of prosecutrix recorded under Section 161 of CrPC, she had stated nothing against the applicant Parth Sarthi Singh and she has stated that she left her parental house on her own will and joined the accompany of applicant Murli Harijan. They performed the marriage in Temple.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.8633/2018 & M.Cr.C. No.7991/2018) are allowed.
8. It is directed that in case, each of the applicants i.e. Murli Harijan & Parth Sarthi Singh furnish one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-