

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9043 of 2018**

1. Vishwajeet Maiti, S/o Bablu Maiti, aged about 39 years.
2. Smt. Basanti Maiti, W/o Vishwajeet Maiti, aged about 39 years.

Both are R/o Village Shri Krishnapur, P.S. Ulberiya, District Hawrah West Bental.

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Kamleshwarpur, District Surguja (CG).

---- Non-applicant

For Applicants	: Ms. Indira Tripathi, Advocate.
For Non-applicant	: Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.15/2018 registered at Police Station Kamleshwarpur, District Surguja for the offence punishable under Sections 363, 366, 368, 376, 344, 323, 34 of IPC and Sections 5L/6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 12.05.2018, the prosecutrix was more than 16 years old. She is a resident of village Narmadapur. On 12.05.2018, co-accused Abhijeet and Ravi @ Raviul took the prosecutrix to Triger Point and they committed sexual intercourse with her. Thereafter, they took her to Raigarh and Kolkata where they again committed sexual intercourse with her and, thereafter, they took her in the house of applicants, who are the father and mother of the co-accused Abhijeet. The applicants beat her after roping her and took the domestic work by her.
4. Counsel for the applicants submits that the applicants have not committed any offence. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants. He further submits that no criminal antecedent reported against the applicants in police case diary.
6. 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 benefit of Section 439 of the Cr.P.C. to the applicants. Accordingly, the bail application is allowed.
7. It is directed that if the applicants furnish one solvent surety for a sum of Rs.25,000/- each 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-