

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 243 of 2019**

1. Jai Singh, S/o Mohar Lal, aged about 21 years.
 2. Mohar Lal, son of Manjhi Ram, aged about 55 years.
- Both are resident of Balrampur, Post Ara, Chowki Bario, P.S. Rajpur,
District Balrampur (CG). **---- Applicants**

Versus

State of Chhattisgarh, Station House Officer, Police Chowki Bario, P.S.
Rajpur, District Balrampur Ramanujganj (CG). **---- Non-applicant**

For Applicants	: Mr. Ram Narayan Sahu, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

31.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no other bail applications are pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.183/2018 registered at Police Station Police Chowki Bario, P.S. Rajpur, District Balrampur Ramanujganj for the offence punishable under Sections 342, 363, 366-A, 368, 376 (2)($\bar{\epsilon}$), 506, 323 of IPC and Sections 5 ($\bar{\epsilon}$) & 6 of POCSO Act.
3. Case of the prosecution, in brief is that the prosecutrix was aged about 18 years old. She is a resident of village K.P. Hasiyapara. In the year October, 2017, co-accused Rai Singh took her in his house. The applicants were used to beat her and gave threat to kill her and told that she will abort her child.
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, however, he submits that no criminal antecedent is 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 two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- 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 and they will not involve any such type of crime in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-