

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 401 of 2019**

1. Lakhmu Lekhmi, S/o late Banda Lekhmi, aged about 55 years.
 2. Smt. Tara Lekhmi, W/o Lakhmu Lekhmi, aged about 51 years.
- Both are residing at Village Mangnar Hirlabhatapara, P.S. Darbha, Tahsil Darbha, District Bastar (CG). **---- Applicants**

Versus

State Of Chhattisgarh, through Police Station Darbha, District Bastar (CG).

---- Non-applicant

For Applicants	:	Mr. Pravin Kumar Tulsyan, Advocate.
For Non-applicant	:	Mr. S.R.J. Jaiswal, Panel Lawyer
For Informant	:	Mr. S.P. Sahu, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

24.04.2019

1. Informant-Smt. Budhri Kashyap is present in person before this Court. On putting some inquiries, I am satisfied that the informant, who is present before this Court is the informant.
2. 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.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.27/2018 registered at Police Station Darbha, District Bastar for the offence punishable under Sections 363, 366, 376(3) of IPC and Section 6 of Protection of Children from Sexual Offences Act.
4. Case of the prosecution, in brief is that on 17.12.2017, the prosecutrix was below 13 years of age. She is resident of village Kaawaras, Nayapara. On 17.12.2017 juvenile co-accused took her by enticing in his house and committed repeatedly sexual intercourse with her on the pretext of marriage. The present applicants are the father and mother of juvenile co-accused. They ousted her by harassing.
5. 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.
6. On the other hand, counsel for the State opposes the bail application, however, he submits that previously no criminal antecedent is reported against the applicants in police case diary.

7. Informant-Smt. Budhri Kashyap submitted that she has objection in releasing the applicants on bail.
8. Looking to the above facts and circumstances of the case, the bail application of the applicants is allowed. 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 and they shall not involve any such type of crime in future.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-