

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 565 of 2019**

1. Yasmeen B. W/o Yakub Khan, aged about 35 years, R/o Ghantaghar, M.P. Nagar, Atal Awas No.39, Chowki Rampur, P.S. Kotwali, District Korba (CG).
 2. Nilofar B. W/o Mahboob Khan, aged about 28 years, R/o Atal Awas Kharmora No.343, P.S. Balco, District Korba (CG).
- Applicants**

Versus

State Of Chhattisgarh Through Police Station Ajaak, Korba, District Korba (CG).

---- Non-applicant

For Applicants	:	Mr. Syed Imtiaz Ali, Advocate.
For Non-applicant	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.02.2019

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.813/2018 registered at Police Station Ajaak Korba, District Korba for the offence punishable under Sections 363, 366A, 376, 323, 506, 342 and 34 of IPC, Section 6 of POCSO Act and Sections 3(1)(12), 3(2) (5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 19.10.2018, the prosecutrix was aged about 16 years old. She is a resident of village Sitamadi. On 19.10.2018, co-accused Yakub Khan took her in a house, he confined her in that house and committed sexual intercourse with her. After two days, applicant No.1-Yasmeen B, who is a wife of said co-accused and applicant No.2-Nilofar B, who is a wife of Chhunu reached there. Both the applicants abused her and snatched her hairs and beat her. She is a member of Scheduled Caste.
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 bail application,

however, he submits that no criminal antecedent is reported against the applicants in police case diary.

6. Special Judge (S.C./S.T. Act), Korba has rejected the bail applications of the applicants twice. Firstly on 25.10.2018 and secondly on 11.01.2019 on the ground that registered offences are serious in nature. He has not discussed and considered what is a *prima facie* evidence available on record against the applicants though it could have to be done.

7. 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.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-