

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 628 of 2019**

1. Vinod Kumar Patel, son of Bhanaku Ram Patel, aged about 32 years, resident of Beliya, Police Station Sonhat, District Korea (CG).
2. Raj Kumar Patel, son of Ramkishun, Caste Kunavi, aged about 32 years, R/o Banpuruwa, Police Station Lanka, District Chandauli at present resident of Beliya, Police Station Sonhat, District Korea (CG). **---- Applicants**

Versus

State Of Chhattisgarh, through Station House Officer, Police Station Ajak Baikunthpur, Civil and Revenue District Korea (CG). **---- Non-applicant**

For Applicants	:	Mr. Kaushal Yadav, Advocate.
For Non-applicant	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.02.2019

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.36/2017 registered at Police Station Ajak Baikunthpur, Civil and Revenue District Korea for the offence punishable under Sections 363, 366, 376 (2)(क), 34 of Indian Penal Code, Section 5अ/6 of Protection of Children from Sexual Offences Act and Section 3(2)(5), 3(2)(V-क) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 09.05.2017, the prosecutrix was more than 16 years of age. On 09.05.2017, the applicant took her by enticing on the pretext of marriage. The applicant No.2-Raj Kumar Patel was along with applicant No.1-Vinod Kumar Patel at the time of incident. The applicant No.1 committed repeatedly sexual intercourse with 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 bail application, however, he submits that no criminal antecedent is reported against the

applicants in police case diary.

6. As per true copy of statement of the prosecutrix recorded under Section 164 of CrPC she has stated that she and applicant No.1 were liked to each other. She wants to marry with applicant No.1. He committed sexual intercourse with her on her own will and wish.
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/-