

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1062 of 2019**

- Saroj Kumar Bariha S/o Daduram Aged About 22 Years R/o Village Kauhajuvnani, P. S. Saliha, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Saliha, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant**MCRC No. 1069 of 2019**

- Sakil Mohammad @ Tikrapariha S/o Jawed Khan Aged About 36 Years R/o Village Kauhajuvnani, police Station Saliha ,district Balodabazar Bhatapara ,chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer ,police Station Saliha ,district Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant**MCRC No. 1143 of 2019**

- Akil Mohammad A/o 18 Year 04 Months, R/o Village Kauhajuvnnani, P.S. Saliha, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Saliha, Distict- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Anish Tiwari, Advocate.
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.02.2019**

1. Since all the three petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail applications 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 learned counsel for the State in

connection with crime No. 112/2018 registered at Police Station – Police Station- Saliha, Distict- Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 363, 366, 34 IPC and Section 18 of the POCSO Act.

4. Case of the prosecution, in brief is that the prosecutrix is more than 17 years of age. She is resident of village Kauhajuvnani. As per the statement of the prosecutrix recorded under Section 161 Cr.P.C. on 19.05.2018 she had taken lift from applicants Akil and Saroj Bariha to go Pithora. They had dropped her in the house of Akil's Bade Papa Hanif Khan. Thereafter, she returned back to her paternal house
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C. she had stated that applicant Sakil had given her tea for drinking. She had become unconscious. Applicants Saroj and Akil took her to Pithora and confined her in a room.
8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- each along with a personal bond of Rs. 25,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE