

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1253 of 2019

1. Rewa Ram Patel S/o Punit Ram @ Panut Ram Aged About 20 Years R/o Village- Hadgahan, Police Station- Suregaon, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh
2. Mahesh Kumar Thakur S/o Salik Ram Aged About 40 Years Caste- Halba, R/o Village- Hadgahan, Police Station- Suregaon, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

----Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Devari, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicants	: Mr. N.S. Dhurandhar, Advocate.
For Non-applicant	: Mr. SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.03.2019

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 learned counsel for the State in connection with crime No. 116/2018 registered at Police Station – Devari, District- Balod (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of the Indian Penal Code and Sections 4, 5(L), 6 of the POCSO Act.
3. Case of the prosecution, in brief is that on 06.01.2018 prosecutrix was more than 17 years of age. She is resident of village Marri. There was love affair between her and applicant No. 1 Rewa Ram Patel. Applicant No.1 Rewa Ram Patel had promised her that he will marry with her. Applicant No. 1 Rewa Ram Patel was at Hyderabad, thus she planned with applicant No. 2 Mahesh Kumar Thakur to go to Hyderabad. She went to Hyderabad along with applicant No.2 Mahesh Kumar Thakur. She had left her parental house without intimating anyone. She and applicant No.1 Rewa Ram Patel performed marriage. Applicant No.1 Rewa Ram Patel committed sexual intercourse with her. On the date of incident quarrel was happened between her and her mother. Thus, she absconded from her paternal house.
4. 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.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
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, It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE