

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2760 of 2019**

1. Halkeveer @ Halle Bhai S/o Late Prem Lal Patel Aged About 26 Years Caste- Kaachhi, R/o 70 Bankori, Tehsil And P.S. Kesli, District- Sagar, Madhya Pradesh., District : Sagar, Madhya Pradesh
2. Smt. Kusum Bai W/o Aanandi @ Aanand Gond Aged About 31 Years R/o Badkabahra, P.S.- Kelhari, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. Devkaran S/o Late Prem Lal Patel Aged About 28 Years Caste- Kaachhi, R/o 70 Bankori, Tehsil And P.S. Kesli, District- Sagar, Madhya Pradesh., District : Sagar, Madhya Pradesh

---- Applicants**Versus**

- State Of Chhattisgarh Through S.H.O. Palice Station- Kelhari, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicants : Mr. Pushkar Sinha, Advocate.
 For Non-applicant : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.05.2019

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. 49/2018 registered at Police Station – Kelhari, District - Koriya (C.G.) for the offence punishable under Sections 363, 376(2)(n) of the Indian Penal Code and Sections 5(1), 6 of the Protection of Children from Sexual Offences Act, 2012 and 3(2)(5-A), 3(2-5) of Atrocities Act.
3. Case of the prosecution, in brief is that on 12.07.2018 prosecutrix was more than 16 years old. She is resident of village Badkabahar. Applicant No. 2 Smt. Kusum Bai and applicant No. 3 Devkaran took her by enticing saying that they will get her married with applicant No. 1 Halkeveer @ Halle Bhai. Applicant Halkeveer @ Halle Bhai performed Court marriage with her. He committed repeatedly sexual intercourse with her.
4. Learned counsel for the applicants submits that the 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, he submits that there is no antecedent against the applicants.
6. As per the photocopy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. she had not stated anything against applicant No.2 Kusum Bai and applicant No.3 Devkaran. She had phoned applicant No.1 Halkeveer @ Halle Bhai to take her. She had left her parental house and reached Anuppur railway station. From Anuppur, she and he had gone in his house.
7. 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.
8. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE