

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3307 of 2019**

1. Ravi Pandey S/o Rameshwar Pandey Aged About 21 Years Indiranagar Raigarh, District- Raigarh, Chhattisgarh
2. Sarita Nirmalkar Pali W/o Ravi Nirmalkar, Pali, District- Janjgir-Champa, C.G.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Raigarh, District- Raigarh, Chhattisgarh

---- Non Applicant

For the Applicants : Shri Manoj Kumar Jaiswal, Advocate

For Non Applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****10.07.2019**

1. Informant who is mother of the prosecutrix Smt. Khusabu Sarthi is absent, she was also absent yesterday, though notice has been served upon her.
2. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
3. Earlier, the first bail application of the applicants was dismissed for want of prosecution by this Court by order dated 29.04.2019 passed in MCRC No.1819 of 2019.
4. Perused the case diary provided by the learned counsel for the State in connection with Crime No.756/2017 registered at Police Station- City Kotwali Raigarh, District- Raigarh (C.G.) for the offence punishable under Sections 368, 342, 376(2)(i)(n) r/w under Section 109 of Indian Penal Code and under Section 6 of the POCSO Act, 2012 and under Section 3(2)(v) of

ST/SC of Atrocities Act.

5. Case of the prosecution, in brief is that on 31.10.2017, prosecutrix was below 15 years of age. She is resident of Jogidipa. On 31.10.2017, applicant No.2 Sarita Nirmalkar called her in her house to eat Prasad. In the house of applicant No.2 Sarita Nirmalkar, she, her husband applicant No.1 Ravi Pandey, co-accused Golu were present. Applicants came out and closed the door by chain let. Co-accused Golu committed forcible sexual intercourse with her. Next day applicants came in their house and wrongfully confined the prosecutrix.
6. 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 may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
8. As per the certified copy of the statement of the prosecutrix recorded by trial Court prosecutrix stated in examination in chief that applicants had not committed any wrong act with her. This circumstance is just and sufficient to enlarge the applicants on bail in second round of litigation, thus, second bail application of applicants, is allowed.
9. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants, 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 of Rs.25,000/- to the satisfaction of the concerned trial Court with the condition that they will appear before the trial Court at 11:00 am as and when directed till trial and they would cooperate during the trial, they be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul