

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4017 of 2019**

1. Khilesh Kumar Sahu S/o Ramjilal Sahu Aged About 27 Years R/o Village-Devarsur, Thana And Tahsil- Mohla, District- Rajnandgaon, Chhattisgarh.
2. Krishna Mandavi S/o Dukhram Mandavi Aged About 26 Years R/o Village-Devarsur, Thana And Tahsil- Mohla, District- Rajnandgaon, Chhattisgarh.

**---- Applicants****Versus**

State Of Chhattisgarh Through Police Station- Mohla, District- Rajnandgaon, Chhattisgarh.

**---- Respondent**


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For the Applicants : Shri Samir Singh, Advocate.  
 For the Respondent/State : Shri Lav Sharma, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****31.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.77 of 2019, registered at Police Station – Mohla, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicants submits that the applicants are in jail since 4.6.2019 and have been falsely implicated in this case. The only allegation against them is that they gave lift to main accused – Mohan Giri

and the prosecutrix for some distance, therefore, these applicants are not the participants in the commission of offence of abduction or rape as it is alleged in this case. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the prosecutrix went missing regarding which, a report was lodged on 14.5.2019 in police station. The prosecutrix aged about 17 years and was recovered on 19.5.2019 from the possession of co-accused – Mohan Giri. During investigation, it was revealed that these applicants have assisted the main accused by providing conveyance to him and the prosecutrix. Hence, this case.

6. After considering the nature of allegation that is present against these applicants and the accused persons and the fact that the case is different from the main accused person, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in

the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge

Nimmi