

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4106 of 2019**

Milan Das Manikpuri, son of Balram Das Manikpuri, aged about 25 years, R/o Village Purani Basti Bhanwarpur, Chowki Bhanwarpur, P.S. Basna, District Mahasamund (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station Saraipali, District Mahasamund (CG).

**---- Non-applicant****AND****MCRC No.5449 of 2019**

Mayadas Manikpuri, son of Dhanaudas Manikpuri, aged about 59 years, R/o Village Bundelabhatha, Police Station Basna, District Mahasamund (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station Basna, District Mahasamund (CG).

**---- Non-applicant**

For Applicants : Mr. Raghvendra Pradhan and Mr. Vikash Pradhan,  
Advocates

For Non-applicant : Mr. Ravi Maheshwari, Panel Lawyer

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****26.08.2019**

1. Allegedly Informant-Shri Tikaram Manikpuri is present in person before this Court, who is the father of the prosecutrix. After putting some inquiries from him, this Court satisfied that the informant, who is present in the Court is the informant.
2. Above mentioned two bail applications arise out of a common

Crime No.245/2019 registered at Police Station Basna, District Mahasamund for the offence punishable under Sections 363, 366, 376, 368 of Indian Penal Code and Sections 4, 6 & 21(1) of Protection of Children from Sexual Offences Act, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.

3. Prosecution story in brief is that 8/9 months ago from 20.05.2018 the prosecutrix was aged about 16 years She is a resident of village Navgarhi. 8/9 month ago from 20.05.2018 onwards, the applicant Milan Das Manikpuri committed sexual intercourse with her on the pretext of marriage. On 10.05.2019 the applicant Milan Das Manikpuri took her in the house of his brother-in-law Mayadas Manikpuri. The applicant Mayadas Manikpuri provided a room to them.
4. Counsel for the respective applicants submitted that the applicants are innocent persons and have been falsely implicated in the present case hence they may be released on bail.
5. Counsel for the State opposed the bail application. However, he submitted that there is no criminal antecedent is reported against the applicants.
6. Informant Shri Tikaram Manikpuri submitted that the applicants may not be released on bail.
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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.4106/2019 & M.Cr.C. No.5449/2019) are allowed.

8. It is directed that in case, each of the applicants namely Milan Das Manikpuri and Mayadas Manikpuri furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not commit any such type of offence in future.

9. Certified copy as per rules.

**Sd/-**

(Sharad Kumar Gupta)

**JUDGE**

L/-