

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4172 of 2019

- Lavendra Sahu S/o Santosh Sahu Aged About 24 Years R/o Village Damapur, Police Station Fasterpur, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bodla, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

And

MCRC No. 4408 of 2019

- Ashish Sahu S/o Ramfal Sahu Aged About 21 Years R/o Village Bagharra, P.S. Bodla, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bodla, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate in MCRC No.4172/2019
For Applicant	: Shri Pushkar Sinha, Adv. on behalf of Shri Anup Majumdar, Adv.in MCRC No.4408/2019
For Respondent/State	: Ms. Akshara Amit, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

22.10.2019

1. As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail.
3. Applicant- Ashish Sahu has been arrested in connection with Crime No. 02/2019 registered at Police Station - Bodla, District Kabirdham (C.G.) for the offence punishable

under Sections 363, 366, 376, 368/34 of the IPC and Sections 3, 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

4. Applicant- Lavendra Sahu has been arrested in connection with Crime No. 02/2019 registered at Police Station- Bodla, District Kabirdham (CG) for the offence punishable under Section 368 of the IPC and Sections 18 and 19 of the Protection of Children from Sexual Offences Act, 2012.
5. Case of the prosecution is that applicant Ashish Sahu took the prosecutrix, aged about 17 years to Kanpur(Lucknow) on the pretext of marriage from the lawful guardianship and kept her for about 4 months and during this period he committed sexual intercourse with her. The allegation against the applicant Lavendra Sahu is that he facilitated Ashish Sahu in the said act.
6. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. The prosecutrix is aged more than 17 years and she herself had gone with the applicants. They submit that as the applicant -Lavendra Sahu is in jail since 3.6.2019 and applicant Ashish Sahu is in jail since 20.5.2019 and the trial is likely to take some time for its final disposal, they may be released on bail.
7. On the other hand, counsel for the State opposes the bail applications.
8. Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicants and that both the applicants are in jail since last 4-5 months, I am of the opinion that present is a fit case, in

which, the applicants should be enlarged on regular bail.

9. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy, as per rules.

Sd/

(Rajani Dubey)
JUDGE