

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4453 of 2019**

Bhagirathi Burman S/o Harishchand Burman Aged About 24 Years R/o Village Khaira, P.S. Saliha, District Baloda Bazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Saliha, District Baloda Bazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

ALONG WITH**MCRC No. 4642 of 2019**

Chhabilal Nayak S/o Shri Kumar Singh Nayak Aged About 23 Years R/o Village Khaira, Police Station Saliha, District Balodabazaar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Saliha, District Balodabazaar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicants	:	Ms. Supriya Upasane, Advocate (MCRC No.4453/2019)
		Shri Anchal Kumar Matre, Advocate (MCRC No.4642/2019)
For the State	:	Shri Vaibhav Kartikeya Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07/08/2019**

1. As MCRC No. 4453/2019 and MCRC No. 4642/2019 arise out of the same crime number of the same Police Station, they are being disposed of by this common order.
2. The applicants have preferred these first bail application under Section 439 of CrPC and there is no bail applications are pending before any other Court.

3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.53/2019 registered at Police Station Saliha, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of POCSO Act.
4. Case of the prosecution, in brief is that on 19/06/2019 prosecutrix was more than 17 years of age. She is resident of village Sonpur. There was the love affair between her and applicant Chhabilal Nayak. On 19/06/2019 he took her by enticing. Applicant Bhagirathi Burman left them at village Sankra by his motorcycle. Thereafter applicant Chhabilal Nayak took her at village Dongapali where he committed sexual intercourse with her on pretext of marriage.
5. Learned counsel for the applicants submitted that they are innocent and falsely implicated in the present case, therefore, they may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
7. Looking to the facts and circumstances of the case, looking to the material available on record, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if the applicants furnishes 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 Court with the condition that they shall appear before the concerned Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge