

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4648 of 2019

1. Amarnath Pathari, S/o. Late Chamara Ram Pathari, Aged About 49 Years, R/o. Bhusadi Para, Mongra Basti, Police Station Banki Mongra, District Korba Chhattisgarh.
2. Chaturi Bai, W/o. Amarnath Pathari, Aged About 45 Years, R/o. Bhusadi Para, Mongra Basti, Police Station Banki Mongra, District Korba Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Urga, District Korba Chhattisgarh.

---- Respondent

For Applicants	: Ms. Laxmeen Kashyap, Advocate
For Respondent/State	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/08/2019

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.82/2019, registered at Police Station – Urga, District – Korba (C.G.) for the offence punishable under Section 363, 506, 376, 34 of the Indian Penal Code and Section 6 and 17 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 17.06.2019. No case is made out against this applicants. The applicants are the parents of the main accused Surya. The applicants had no knowledge that the main accused abducted the minor prosecutrix, therefore, they gave shelter to both of them and no offence of rape was committed in the house hold of these applicants. Therefore, it is prayed that the applicants may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that these applicants had full knowledge regarding the offence that were committed even then they were collaborated with the main accused, therefore, they are not entitled for grant of bail.
4. According to the prosecution case, the main accused Surya abducted the minor prosecutrix of age 16 years and nine months and brought her to the house of his parents i.e. these applicants, where they found shelter for one day. Thereafter, the main accused took the prosecutrix in his custody to Orisha Brijrajnagar and while residing there the main accused ravished the victim.
5. Considered on the submissions made and the contents of the case diary. Considering that these applicants had limited role in the said commission of offence and no offence of rape was committed in their premises, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram