

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4920 of 2019**

1. Moharsay @ Mantu, S/o Reshamlal, aged about 57 years.
2. Smt. Sudesha Bai, W/o Mohar Say, aged about 50 years,
Both are resident of village Savitripur, Thana Sankara, Tahsil Pithora, District Mahasamund (CG).

---- Applicants**Versus**

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

---- Non-applicant

For Applicants	: Mr. Vikash Pradhan, Advocate.
For Non-applicant	: Mr. Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.08.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.40/2019 registered at Police Station Sankara, District Mahasamund for the offence punishable under Sections 120-B, 363, 366(A), 294, 323, 506, 365, 376, 376(2)(n), 34 of Indian Penal Code (as per charge sheet) and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 03.06.2017 prosecutrix was more than 17 years of age. She is resident of village Savitripur. On 03.06.2017 applicants and co-accused Kuldeep Yadav induced her parents that the marriage of prosecutrix would be done with co-accused Bijender Jangda. Applicants and co-accused Kuldeep Yadav took the prosecutrix at village Malkosh saying that they will visit the house of co-accused Bijender Jangda.
4. Counsel for the applicants submits that the applicants have not committed any offences. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. One co-accused Kuldeep Yadav has been released on bail by this Court vide order dated 25.06.2019 passed in M.Cr.C. No.2914/2019. The case of the

applicant is not more severe than co-accused Kuldeep Yadav, who has been released on bail by this Court.

7. Looking to the above mentioned facts and circumstances of the case and 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 benefit of Section 439 of the Cr.P.C. to the applicants. Accordingly, the bail application is allowed.

8. It is directed that if the applicants furnish two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs.50,000/- each 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 involve any such type of crime in future.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-