

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5011 of 2019

1. Raja @ Rajay Deshmukh S/o Late L.G. Deshmukh, Aged About 53 Years, R/o Sai Nagar, Urla Road 2, Ward No.58, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Mohan Nagar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

MCRC No. 5017 of 2019

1. Geeta Deshmukh W/o Rajay Deshmukh, Aged About 47 Years, R/o Sai Nagar Urla Road 2, Ward No.- 58, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Seeta Singh W/o Ashok Singh, Aged About 59 Years, R/o Sai Nagar Urla Road 2, Ward No.- 58, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Mohan Nagar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

--- Non-applicant

For Applicants– Shri J.K. Gilda, Senior Counsel with Shri Rajeev K. Deshpande and Shri Devershi Thakur, Advocates.
For Non-applicant/State – Shri Chandrabhushan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-08-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.122/2019 registered at P.S. Mohan Nagar, District Durg, Chhattisgarh for offence under Section 323, 34 of the IPC, Section 79, 80 & 75 of Juvenile Justice Act, 2015 and Section 8, 9(1) & (10) of POCSO Act, they are being decided by this common order.
2. MCRC No.5011 of 2019 has been filed by applicant Raja @ Rajay Deshmukh and MCRC No.5017 of 2019 has been filed by applicants Geeta Deshmukh and Seeta Singh for grant of regular bail under Section 439 of the

Cr.P.C. as they have been arrested on 05-04-2019 in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for applicants that these applicants have been falsely implicated in this case. The applicants are in jail since 05-04-2019. No case is made out against these applicants. There is practically no evidence against the applicants with respect to offences under Section 8,9 and 10 of POCSO Act. At the most offence that would be made out against them is under Section 75 and 80 of the Juvenile Justice Act, which are bailable offences. The child Protection Officer Poonam Shrivastava has made statement against the applicants which is without any basis and not supported by the statement of the victims given under Section 164 of the Cr.P.C. Therefore, it is prayed that these applicants may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that according to the statement given by Poonam Shrivastava, Child Welfare Officer, the applicants are accused of commission of serious offences, therefore, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the applicant Raja @ Rajay Deshmukh (applicant in MCRC No.5011 of 2019) and applicant No.1 Geeta Deshmukh (applicant No.1 in MCRC No.5017 of 2019) both are married couple who adopted one child by name Saron in the year 2011-12 and then they also adopted her sister Ragini in the year 2017. On the basis of some complaint the Child Welfare Committee rescued both the female child from the custody of the applicants in the month of April, 2019. Thereafter, the Child Welfare Officer made some enquiry and has lodged the FIR against the applicants which has been registered Crime No.122/2019.

7. Considered on the evidence present in the case diary and specifically

after perusing the statement of both the victims recorded under Section 164 of the Cr.P.C., I am of this view that this is a fit case where the applicants should be granted regular bail.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge