

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4121 of 2019**

Umashankar Patel S/o Madho Singh Patel, aged about 23 years R/o Devari,
P.S. Dondilohara, District Balod, Chhattisgarh.

--- Applicant

Versus

State of Chhattisgarh Through SHO PS Dondilohara, District Balod (C.G.)

---- Respondent

AND**MCRC No. 5114 of 2019**

Smt. Pallavi Shukla W/o Rajesh Kumar, aged about 41 years R/o Ganjpara P.S.
and District Balod, Chhattisgarh

--- Applicant

Versus

State of Chhattisgarh Through SHO PS Doundi Lohara, District Balod (C.G.)

---- Respondent

AND**MCRC No. 5240 of 2019**

Mhd. Saleem Chauhan S/o Mhd. Nazeer, aged about 52 years R/o Masjid
Road, Ward No. 10, Balod Distt. Balod (C.G.).

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Dondilorha,
Distt. Balod (C.G.)

---- Respondent

For Applicants in MCRC No. 4121 & 5114 of 2019:	Mr. B.P. Singh, Advocate
For Applicant in MCRC No. 5240 of 2019 :	Mr. Awadh Tripathi, Adv.
For Respondent :	Mr. Amit Kumar, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****14/08/2019**

1. Since all the bail applications relate to same crime number, therefore, they

are being disposed of by this common order.

2. The Applicants have preferred these First Bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 85/2019 registered at Police Station Dondilorha, Distt. Balod (C.G.) for the offence punishable under Sections 363, 366A, 376, 120 (B) of the IPC and Section 5 (L) & 6 of the POCSO Act.
3. In this case, the age of the Prosecutrix was 17 years 5 months at the relevant time. It is alleged that co-accused Hemchand, on the pretext of marriage, had taken the Prosecution with him and committed sexual intercourse with her on various times. It is alleged that co-accused Vinod, brother of the Prosecutrix and Jamvati, mother of the Prosecutrix had assisted co-accused Hemchand for the alleged offence. The allegation against Applicant Umashankar is that he assisted co-accused Vinod, who had taken the Prosecutrix to co-accused Hemchand. The allegation against Pallavi and Md. Saleem is that inspite of having knowledge that the Prosecutrix is below 18 years of age, they assisted the Prosecutrix and co-accused Hemchand in marriage. On these backgrounds, offence has been registered and the Applicants have been arrested.
4. Learned counsel appearing on behalf of the respective Applicants submit that the Applicants are innocent and have been falsely implicated. They further submit that the Applicants were not having knowledge that the Prosecutrix were below 18 years at the relevant time. The main accused is Hemchand. They pray to release the Applicants on bail.
5. Counsel appearing on behalf of the State also opposes the bail

applications.

6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the main accused is Hemchand, charge-sheet has been filed and Applicants namely Saleem and Pallavi are in jail since 19/07/2019 and Applicant Umashankar is in jail since 30/05/2019, and trial will likely to take time, without further commenting on merit of the case, I am inclined to release the Applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the Applicants shall be released on bail on each of them executing a personal bond of Rs. 20,000/- with one surety each for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge