

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5561 of 2019

- Kariman Cherwa @ Bhola And Ors. S/o - Shri Laluwa Ram Aged About 40 Years R/o - Village Puranpani, Police Station-Samaripath, District Balrampur - Ramanujganj Chhattisgarh,
- Dev Sai Nageshiyaa S/o - Shri Linga Nageshiya Aged About 45 Years R/o - Sarjang Amtahi, Police Station-Samaripath, District Balrampur-Ramanujganj Chhattisgarh
- Mulesh Agariya S/o - Shri Khuruwa Ram Aged About 46 Years R/o - Village- Amtahi, Police Station - Samaripath, District Balrampur-Ramanujganj Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Kusmi (Wrongly Mentioned As Saamaripath), District Balrampur-Ramaanujganj Chhattisgarh

---- Respondent

For Applicants	: Shri Neeraj Mehta, Advocate
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

22/10/2019

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 84/2019 registered at police station Kusmi, district Balrampur Ramanujganj (CG) for the offence punishable under Sections 363, 366, 376-2(N) and 109/34 IPC and Section 5 & 6 of the Protection of Children from Sexual Offences Act.

As per case of the prosecution, one Jitendra Cherwa was

having love affair with the prosecutrix and after developing physical relations between them, they got married in the Court and the applicants were the attesting witnesses, therefore FIR was lodged against them by the parents of the prosecutrix.

Counsel for the applicants submits that the applicants have been falsely implicated. He further submits that the prosecutrix herself has turned hostile. He submits that the applicants are in jail since 25.7.19 and the trial may take some time for its disposal and therefore they be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond of Rs. 25,000/- each with one surety in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail.

Sd/-

(Rajani Dubey)
Judge