

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6473 of 2019

- Rajesh Patel & Anr. S/o Munna Lal Patel Aged About 25 Years
R/o Bijoura, Police Station Tendukheda, District - Narsinghpur
Madhyapradesh
- Devraj Singh Patel S/o Bhaiya Ram Patel Aged About 30 Years
R/o Bijoura, Police Station Tendukheda, District Narsinghpur
Madhyapradesh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of
Police Station- Janakpur, District Koriya Chhattisgarh,

---- Respondent

For Applicants	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/11/2019

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.26/2016 registered at police station Janakpur, District Koriya (CG) for the offence punishable under Sections 363,366,370 and 376/34 IPC and Sections 3 (1)(x) and 3(2)(v) of the SC/ST (Prevention of Atrocities Act).

As per prosecution case, complaint was lodged by the prosecutrix alleging that she went along with co-accused Archana to village Janakpur for some labour work where she met Ramavtar,

husband of Archana. It is further alleged that they took the prosecutrix to the house of the present applicant Rajesh where they threatened her and performed marriage with applicant No.2 Devraj and later on Devraj informed her that she has been sold to him for Rs. 40,000/-. q

Counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He submits that in the statement recorded before the trial court, prosecutrix has turned hostile. He submits that the applicants are in jail since 16.04.19; the charge sheet has been filed; the offence is triable by Magistrate First Class and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore they may be released on bail.

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

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of 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 applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

Sd/-
(Rajani Dubey)
Judge