

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6714 of 2019**

1. Suhano W/o Shivkumar Aged About 50 Years R/o Village - Mahgawan, Naman, Girls, P.S. And Tehsil And District - Surajpur Chhattisgarh. At Present - Magzine Dafai, Haldibadi, Chirmiri, P.S. - Chirmairi, District Koriya Chhattisgarh....(In Jail)

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Chirmiri District - Koriya Chhattisgarh...(Non Applicant)

---- Respondent

MCRC No. 7260 of 2019

1. Ajay Panika S/o Shivprasad Panika Aged About 24 Years R/o Mahgawan Police Station - Surajpur - District - Surajpur Chhattisgarh.
2. Shiv Kumar S/o Shifru Panika, Aged About 51 Years R/o Mahgawan Police Station - Surajpur District - Surajpur Chhattisgarh.
3. Sanjay Dewangan S/o Shivprasad Panika, Aged About 26 Years R/o Mahgawan (Naman Giri), Police Station - Surajpur, District - Surajpur, Chhattisgarh. At Present - Magzine Dafai, Haldibadi, Chirmiri, District - Koriya Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through - Police Station - Chirmiri District - Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	: Mr. Pushkar Sinha, Adv.
For Respondent/State	: Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/12/2019**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 279/2019 registered at Police Station Chirmiri, District Koriya (C.G.) for the offence punishable under Sections 363, 366 376(2)

(k), 368, 34 of IPC and Section 6, 19, 21 of Protection of Children from Sexual Offences Act.

2. The prosecution story, in brief is that applicant Ajay Panika, enticing the prosecutrix taken away her from her house, on the pretext of marriage, committed sexual intercourse with the prosecutrix. Allegation upon other applicants are that they have provided shelter to them and knowing that the prosecutrix is minor, did not inform the police. On the basis of above, offence has been registered against the applicants and they have been arrested.
3. In respect of applicant Ajay Panika, learned counsel for the applicant wants to withdraw the bail application with liberty to file the same at an appropriate stage.
4. Accordingly, bail application in respect of Ajay Panika is dismissed as withdrawn with the aforesaid liberty.
5. In respect of other applicants, learned counsel submits that they are innocent and have been falsely implicated in the crime in question. He further submits that no direct allegation has been made against the applicants and other applicants were not in their house when applicant Ajay Panika came with the prosecutrix and they had no knowledge about the fact that the prosecutrix was minor. He further submits that applicants namely Shiv Kumar, Sanjay Dewangan and Suhano are in jail since 17.09.2019 and they are ready to furnish adequate surety and shall abide all the directions and conditions, which may be imposed by the Court, therefore, applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the fact that main allegation is against applicant Ajay Panika and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit

case to release the applicants on bail. Accordingly, the applications in respect of applicants namely Shiv Kumar, Sanjay Dewangan and Suhano are allowed.

9. Accused/applicants namely Shiv Kumar, Sanjay Dewangan and Suhano are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court and they are directed to appear before the trial Court on each and every date to be given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sabu