

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9520 of 2018**

Rajat Jal, aged about 22 years, son of late Nidhi Jal, R/o Gandhi Nagar, Kalibadi Chowk, Near Sulabh Shauchalaya, Raipur, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station City kotwali, Raipur, District Raipur (CG).

---- Non-applicant**AND****MCRC No.9662 of 2018**

Ku. Nirmala Jagat, aged about 19 years, daughter of Markan Jagat, resident of Gandhi Nagar, Kalibadi Chowk near Sulabh Shauchalaya, Raipur, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Raipur, District Raipur (CG).

---- Non-applicant

For Applicants : Ms. Sunita Sahu, Advocate
For Non-applicant : Ms. Sangeeta Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.01.2019**

1. Above mentioned two bail applications arise out of a common Crime No.360/2018 registered at Police Station City Kotwali, Raipur, District Raipur for the offence punishable under Sections 366(1), 368, 376(d) of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that on 24.07.2018, the prosecutrix was aged about 16 years old. She is a resident of village Kalibadi Chowk Gandhi Nagar, Raipur. On 24.07.2018 the applicant-Ku. Nirmala Jagat took her to show the ready made garments in the house of Subhrani Jagat. The applicant Ku. Nirmala Jagat locked her in the house and went away from there. The applicant-Rajat Jal was present there before the prosecutrix reached and he committed sexual intercourse with her.
3. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be

released on bail.

4. Counsel for the State opposed the prayer for grant of bail. However, she submits that no criminal antecedent is reported against the applicants in police case diary.
5. As per enclosed photocopy of the statement of prosecutrix recorded under Section 164 of CrPC in which she stated that no incident was happened with her by the applicants. On account of quarrel, she lodged a false report against them and she wants to withdraw that report.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.9520/2018 & M.Cr.C. No.9662/2018) are allowed.
7. It is directed that in case, each of the applicants i.e. Rajat Jal and Ku.Nirmala Jagat furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-