

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 8 of 2019

- Nirmala Bai W/o Motiram Aged About 45 Years R/o Village Sildaha, P. S. Pathariya, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Of City Kotwali, Police Station Mungeli District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondent

MCRC No. 502 of 2019

- Ramakant Verma S/o Ramcharan Verma Aged About 24 Years R/o Village Kirna ,police Station City Kotwali ,mungeli District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali ,mungeli District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

MCRC No. 590 of 2019

- Rajesh Rajput S/o Motiram Rajput Aged About 19 Years R/o Sildaha, Police Station Pathariya District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali Mungeli, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondent

MCRC No. 9558 of 2018

- Motiram Rajput S/o Shreeram Rajput Aged About 48 Years R/o Sildaha Police Station Pathariya ,district Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Of Police Station City Kotwali ,mungeli ,district Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

MCRCA No. 67 of 2019

- Chokhraj Singh Verma S/o Chitranjan Singh Verma Aged About 29 Years R/o Village- Sildaha, Police Station And Tahsil- Pathariya, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- City Kotwali, Mungeli, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

MCRCA No. 108 of 2019

- Bahadur Rajput S/o Itwari Aged About 56 Years R/o Village Sildaha, P. S. And Tahsil Pathriya District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station City Kotwali, Mungeli, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondent

For Applicants : Mr. Pallav Mishra, Mr. P.K. Tulsyan & Mr. Anish Tiwari, Advocates.
For Respondent : Mr. Mahesh Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/02/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. MCRC Nos. 590/2019, 9558/2018 & 502/2019 filed under Section 439 of Code of Criminal Procedure, 1973 are the first bail applications of the applicants who are in custody in connection with Crime No.493/2018 registered at Police Station City Kotwali, Mungeli (C.G.) for the offence punishable under Sections 363, 366, 376, 506, 323 of the Indian Penal Code (for short 'IPC') and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicants in MCrCA Nos. 8/2019, 67/2019 & 108/2019 filed under Section 438 of CrPC have preferred these applications for the

reason that they are apprehending their arrest in connection with Crime No.493/2018 registered at Police Station- City Kotwali, Mungeli (C.G.), for the offence punishable under Sections 363, 366, 376, & 34 of the Indian Penal Code (for short 'IPC') and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

4. Learned counsel appearing on behalf of the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out on the basis of the material present in the charge-sheet. The offence of abduction and rape is alleged to have been committed by main accused Rajesh Rajput, therefore, it is prayed that these applicants be granted regular bail.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
6. Heard both the parties and perused the case diary.
7. Prosecutrix has filed a written complaint that for the last one year co-accused Rajesh Rajput used to follow her and express his one sided love towards her. On the date of incident, co-accused Rajesh with the help of his father i.e. applicant Motiram Rajput in MCRC No.9558/2018, abducted her and took her to his own house and thereafter the prosecutrix was tortured by family members of these applicants. She resided in the house of the applicants for about 3 months and during this span of time co-accused Rajesh Rajput used to have sex with her without her consent. Hence, this case.
8. Considered the entire material present in the case diary, I am of this opinion that other applicants have played a role because of which the main accused has been able to commit the offence. But looking to the present status that now charge-sheet has been filed, I feel inclined to

grant bail regular/anticipatory to the applicants other than main accused Rajesh Rajput.

9. In the result;

- application MCRC No.590/2019 is rejected.
- bail applications of the applicants in MCRC Nos. 9558/2018 & 502/2019 are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
- anticipatory bail application of applicants bearing MCRCA Nos.8/2019, 67/2019 & 108/2019 are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions :
 - (i) that applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha