

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 10042 of 2018

1. Surendra, S/o Soni Ram, Aged About 32 Years, R/o Pudari Fatehpur near Dada Road, P.S.-Pundari, District : Kaithal, Haryana
2. Fulmati W/o Sikandar @ Surendra, Aged About 28 Years, R/o Pudari Fatehpur Near Dada Road, Police Station Pundari, District Kaithal Hariyana.

---- Applicants

Versus

State Of Chhattisgarh Acting Through Officer-In-Charge, Police Out Post Trikunda, Police Station Basantpura Civil And Revenue District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicants	: Shri Kripesh G. Kela, Advocate.
For Respondent/State	: Smt. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/03/2019

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.14/2013, registered at Police Station – Basantpura, Police Outpost Trikunda, District- Balrampur Ramanujganj (C.G.) for the offence punishable under Sections 363, 366, 120 B, 376/34 of the IPC and Section 4 of POCSO Act.
2. In this case, at the relevant time, age of the prosecutrix was about 14 years. As per prosecution story, a missing report of prosecutrix was made by her father namely, Charku @ Ramlagan. After two months of lodging of FIR, prosecutrix returned to her home. Thereafter, her statements were recorded. Further, as per the prosecution story, on the date of incident, prosecutrix went to Mohali Baazar, there she met with co-accused Choukidar @ Rambaran and two other persons who

were consuming liquor at the corner of the market. Allegedly, prosecutrix was forcibly made to consume liquor by them and during consumption of liquor, co-accused Choukidar @ Rambaran stated that she has to go to Haryana with co-accused Satish Kumar, where her marriage will be performed. Thereafter, the applicants and other co-accused persons conspire to perform the marriage of the prosecutrix and in furtherance of that conspiracy, they took her to Haryana. Allegedly, co-accused Satish Kumar took the prosecutrix to his home and kept her as his wife and also forcefully committed sexual intercourse with her. On the basis of said, offence has been registered. Since, both the Applicants were absconded, therefore, after investigation, charge sheet has been filed against them. Co-accused persons namely Choukidar @ Rambaran, Fulkumari, Mangruram and Satish Kumar have already been acquitted by the Trial Court itself vide order dated 19/06/2018. The present Applicants are arrested and they are in custody since 01/10/2018.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case due to some previous dispute. They have not participated in the crime in question. He further submits that co-accused persons namely Choukidar @ Rambaran, Fulkumari, Mangruram and Satish Kumar have already been acquitted by the Trial Court itself vide order dated 19/06/2018. The prosecutrix has already been examined before the Trial Court and she has not supported the case of the prosecution. The Applicants are in custody since 01/10/2018, charge sheet has been filed and trial is likely to take some time. Therefore, the Applicants may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the fact that the co-accused persons have already been acquitted from the Trial Court itself, the Applicants are in custody since 01/10/2018, charge sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicants on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 1,00,000/- with two local solvent sureties each of Rs.50,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge