

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 31 of 2020**

- Yeswant Ghosh S/o Chintaram Ghosh Aged About 20 Years
Occupation - Student R/o Village - Navagarh Police Station And
Tahsil - Navagarh, District - Bemetara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station - Navagarh, District - Bemetara Chhattisgarh.

---- Respondent

MCRC No. 94 of 2020

- Khetaha @ Anish Ghitlahre S/o Laxman Ghitlahre Aged About
19 Years R/o Village Bera Satnamipara, Post Kanhera, Police
Chowki Khandsara, Police Station And District Bemetara,
Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Navagarh, District Bemetara, Chhattisgarh

---- Respondent

For Applicants	: Shri Sanjeev Kumar Sahu, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Smt.Justice Rajani Dubey**Order On Board****11/02/2020**

As both these M.Cr.Cs. arise out of the same crime number,
they are being disposed of by this common order.

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. 281/2019 registered at police station Navagarh, District Bemetara (CG) for the offence punishable under Sections 376,313,506,34 IPC and Sections 6 & 12 of the Protection of Children from Sexual Offences Act.

Case of the prosecution in brief is that the applicant has developed physical relation with the prosecutrix on the pretext of marriage and when she became pregnant, applicant and the co-accused without her consent administered medicine and cause miscarriage.

Counsels for the applicants submits that the applicant are innocent and have been falsely implicated in the crime in question. It is further submitted that there is no medical evidence against them and that the age of the prosecutrix is more than 17 years. They submit that the charge sheet has been filed and the applicants are in jail since 31.10.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

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 applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

Sd/-
(Rajani Dubey)
Judge