

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 610 of 2020

- Tankeshwar Sahu, S/o Peelalal Sahu Aged About 19 Years R/o Village- Karchali, Police Station- Chura, District- Gariyaband, Chhattisgarh.
- Peelalal Sahu S/o Poturam Sahu Aged About 55 Years R/o Village- Karchali, Police Station- Chura, District- Gariyaband, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Officer In Charge, Police Station Fingeshwar, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicants	: Shri Ramesh Nayak, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/03/2020

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.201/2019 registered at police station Fingeshwar, district Gariyaband (CG) for the offence punishable under Sections 450, 376 (2), 506,313 and 34 IPC; Section 6 of the POCSO and Section 15 (2)(3) of the Indian Medical Council Act, 1956.

As per prosecution case, applicant No.1 and the daughter of the complainant were having love affair and they were married and

residing in the adjacent room of applicant No.2. It is the case of prosecution that some dispute arose between the applicant No.1 and his wife and a meeting was convened in the village between the family members and the father of the complainant took her daughter with him.

Counsel for the applicants submits that a false report has been lodged by the father of the complainant against the applicants. He further submits that the prosecutrix is more than 17 years of age. He further submits that the applicants are in jail since 23.10.19; the charge sheet has been filed and the trial will take time for final disposal and therefore they may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of allegation against the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

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

Sd/-

(Rajani Dubey)
Judge