

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3057 of 2020

1. Rambilas Kushwaha S/o Ayodhya Kushwaha Aged About 26 Years R/o Village Mendhari Semariyapara, Police Station Basantpur, District Balrampur Ramanujanj, District : Balrampur, Chhattisgarh
2. Arvind Kushwaha S/o Ayodhya Kushwaha Aged About 20 Years R/o Village Mendhari Semariyapara, Police Station Basantpur, District Balrampur Ramanujanj, District : Balrampur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Basantpur District Balrampur Ramanujanj, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Kishore Narayan, Advocate.
For State/respondent	: Mrs. Fauziya Mirza, Addl. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/06/2020

1. The default pointed out by the Registry is waived.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.104/2017 registered at Police -Station- Basantpur, District- Balrampur, Ramanujanj(C.G.) for the offence punishable under Section 363, 366, 376(2-ढ), 323, 376 2(ञ), 368, 342/34 of IPC and Section 3(2-5)क SC/ST(Protection of Atrocities) Act, and Section

5(३)/6, 17 of POCSO Act, 2012.

3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The applicants are in jail since 16.3.2020. No case is made out against the applicants. One of the co-accused namely-Anil Kushwaha has been granted regular bail by this Court and the other co-accused persons namely-Sunita Devi and Urmila have been granted anticipatory bail by the co-ordinate Bench of this Court, hence, it is prayed that they may also be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that looking to the evidence present against them, they are not entitled for grant of regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, co-accused Ayodhya Prasad Kushwaha abducted the minor prosecutrix and exploited her sexually. The allegation against these applicants is this, that they have assisted the main accused in the commission of offence and also they give shelter to him. Hence, this case.
7. After considering the facts and circumstances of this case and also that the similarly placed co-accused persons have been granted regular and anticipatory bail by this Court and the co-ordinate Bench of this Court, for these reasons, I feel inclined to allow the bail application of these applicants.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on them 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha