

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3422 of 2020

1. Manmatiya Das, W/o Laxmi Das Aged About 45 Years (Wrongly mentioned as D/o in bail order)
2. Laxmi Das, S/o Prem Das, Aged About 49 Years.

Both R/o Village Sitapur, Katnaipara, P.S. Sitapur District- Surguja (C.G.)

---- Applicants

Versus

1. State of Chhattisgarh, Through: Station House Officer, Sitapur, District- Surguja (Chhattisgarh)

---- Respondent/Non-applicant

For Applicants	: Mr. Nishikant Sinha, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/08/2020

1. 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. 98/2019 registered at Police Station- Sitapur, District- Surguja (C.G.) for the offence punishable under Section 376(A)(B)/ 114, 313/34 of the IPC, Section 5 & 6 of Immoral Traffic (Prevention) Act & Section 16, 17 of POCSO Act.
2. 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 19.10.2019. No case is made out against the applicants. The prosecutrix has been examined before the trial Court. She has not made a single statement against these applicants, therefore, nothing is

left against these applicants, hence, it is prayed that they may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix has made clear allegation against these applicants in her statement at the time of investigation, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that the minor prosecutrix, who was residing with the co-accused person Parmeshwar, Meeradas was subjected to physical exploitation by the co-accused persons by presenting her to the boys, who were invited. The allegation against these applicants is this, that these applicants have also participated in the said exploitation of the prosecutrix.
6. Considered on the submissions and also perused the copy of deposition of prosecutrix filed along with the application and after due consideration, I feel inclined to allow the bail application of this applicant.
7. 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 furnishing a personal bond for a sum of Rs.25,000/- each with one surety each 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