

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3888 of 2020

1. Shital Das Mahant @ Shital Mahant S/o Late Mangal Das Mahant, Aged About 29 Years, R/o Rajeev Gandhi Nagar Irani Mohalla Ward No. 36, Choouki - Jutmill, Raigarh, Tahsil and District Raigarh, Chhattisgarh
2. Shankar Das Mahant @ Shankar Mahant S/o Late Mangal Das Mahant, Aged About 29 Years, R/o Rajeev Gandhi Nagar Irani Mohalla Ward No. 36, Choouki - Jutmill, Raigarh, Tahsil and District Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Chouki - Jutmill Police Station Kotwali, District Raigarh, Chhattisgarh

----Non-applicant

For Applicants – Shri Vineet Ku. Pandey, Advocate.

For Non-applicant/State – Shri Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-07-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 10-02-2020 in connection with Crime No.125/2020 registered at P.S. – Chouki -Jutmill, Police Station- Kotwali, District – Raigarh, Chhattisgarh for the offence under Section 363, 366, 376, 370, 370(A), 34 of the IPC and Section 6 & 17 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 10-02-2020. There is no allegation of abduction, rape or trafficking against these applicants. According to the statement given by the prosecutrix herself, the role of these applicants had been only about suggesting a match to which the parents of the prosecutrix agreed and then the prosecutrix was married to co-accused Sunil Kumar. The FIR has been lodged on account of other dispute that had been between the prosecutrix and the co-accused Sunil Kumar. Therefore, there is

nothing against these applicants. Hence, it is prayed that they may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that role of all these applicants is clearly demonstrated from the statement of the witnesses, therefore, they are equally responsible in commission of the crime. Hence, their application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, it is alleged that these applicants suggested the match for the prosecutrix and proposed her marriage with co-accused Sunil Kumar. The marriage was performed and then the minor prosecutrix started living with the co-accused for some time, during which physical relation also took place, however, later on the prosecutrix came back to her parental house and lodged the FIR.

6. Considering the nature of allegations that are present against these applicants and the other circumstances that are existing in this case, I feel inclined to allow this application.

7. Consequently, this application filed by these applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge