

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6020 of 2020

1. Ramprakash @ Bara, S/o Sapuran, Aged About 31 Years, Caste- Rajwade, R/o Remla, P.S. Lakhanpur, District- Surguja (C.G.)
2. Jeetram Rajwade, S/o Dhansay, Aged About 32 Years, R/o Latory, P. S. Lakhanpur, District- Surguja (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through Police Station- Chowki Morga, P.S. Bango, District- Korba (C.G.)

--- Respondent

For Applicants	:	Mr. Vineet Kumar Pandey, Advocate.
For State/ Respondent	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19/11/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 102/2020, registered at Police Station- Chowki- Morga, P.S. Bango, District- Korba (C.G.) for the offence punishable under Section 363, 366(क), 366 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicants submits that the applicants are in jail since 09.08.2020 and have been falsely implicated in this case. No case is made out against these applicants. Applicant No. 1 and the prosecutrix both had affair, because of which, the prosecutrix willingly went with him and resided with

him and had physical relation. Role of applicant No. 2 is only that he assisted in the commission of offence by applicant No. 1. The prosecutrix also wants to live with applicant No. 1 and live married life. Hence, it is prayed that these applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that as per statement given by the prosecutrix, in the investigation against these applicants, no case is made out in favour of these applicants, therefore, these applicants are not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that applicant No. 1 enticed the minor prosecutrix by making a false promise to marry her and then, on pretext of marrying her, he exploited her sexually. The allegation against applicant No. 2 is that he assisted applicant No. 1 in the above mentioned commission of offence.
6. Considered on the submissions and the facts present in this case. The charge-sheet has already been filed and there is likelihood of delay in conclusion of trial, therefore, I am of this view that it would be proper to release both the applicants on regular bail, hence, I feel inclined to grant bail to both the applicants in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun