

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7089 of 2019**

1. Butu Bai, W/o Khulan Aged About 40 Years, By Caste Chik, R/o Village Lodahaamba, Police Station Kansabel, District Jashpur Chhattisgarh.
2. Khulan Ram, S/o Hasdev, Aged About 42 Years, By Caste Chik, R/o Village Lodahaamba, Police Station Kansabel, District Jashpur Chhattisgarh.
3. Govindram, S/o Khulan Ram, Aged About 24 Years, By Caste Chik, R/o Village Lodahaamba, Police Station Kansabel, District Jashpur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Narayanpur, District Jashpur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ashish Gupta, Adv.
For Respondent/State	: Mr. Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.01.2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 28/2016 registered at Police Station Narayanpur, District Jashpur (C.G.) for the offence punishable under Sections 363, 342, 376 of I.P.C. and Sections 3 & 4 of the POCSO Act.
2. The prosecution story, in brief is that, the prosecutrix has lodged the written report alleging that the other co-accused Roshan who is son of applicant Nos. 1 & 2 has abducted the prosecutrix and taken her from his house on 11.03.2016 to 13.03.2016 and committed forcefully intercourse with the prosecutrix. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that main allegations were against Roshan. The applicants are in jail since 09.09.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that they are not main accused. The applicants are in jail since 09.09.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**