

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 140 of 2020**

- Naresh Sarthi S/o Preetram Aged About 24 Years Resident Of Village- Inderpur, Police Station- Odgi, District- Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Chalgali, District- Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent**MCRC No. 1710 of 2020**

- Smt. Neera Sarthi W/o Sukhsen Sarthi, Aged About 58 Years R/o Podi, Tandupara, Police Station Sonhat, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chalgali, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicants : Shri Sangeet K. Kushwaha, Advocate
 For Respondent : Ms. Reena Singh, P.L.
 Complainant- father of the prosecutrix is present before this Court.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.3.2020**

1. As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with

Crime No.99/2019 registered at Police Station - Chalgali, District Balrampur- Ramanujganj(CG) for the offence punishable under Sections 363, 366, 376(2)(अ) (क) 368 of the IPC and Sections 5,6 & 9, (क) 17 of the Protection of Children from Sexual Offences Act, 2012.

3. It is the case of the prosecution that the applicant Naresh Sarthi has abducted the prosecutrix from her lawful guardianship and taken her on motorcycle to the house of his aunt, applicant -Smt. Neera Sarthi, kept her there for 2 days and committed sexual intercourse with her. It is alleged that applicant Smt. Neera Sarthi has helped the applicant in committing the offence.
4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the crime. He submits that the prosecutrix was willing to marry the applicant Naresh Sarthi and she herself had gone with him and the prosecutrix has not supported the case of prosecution before the court below. He submits that the applicants are in jail since 1.11.2019 and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.
5. On the other hand, counsel for the State as well as the Complainant have oppose the bail applications.
6. Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicants and the prosecutrix has not supported the case of

prosecution before the court below and the detention period of the applicants, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.
8. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge