

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 925 of 2021

Sunita Jadaun (Thakur), W/o Ramesh Pal Singh Thakur, Aged About 40 Years, Gobar Chowki Tajganj Fatehabad Road Mugal Hotel Ke Pass Johar Nagar Bramnch Amporiyam Road Post Tajganj, Police Station- Tajganj, District- Agra (U.P.)

--- Applicant

Versus

State of Chhattisgarh, Through the Police Station- Punjipathra Raigarh, District- Raigarh (C.G.)

--- Respondent

AND

MCRC No. 997 of 2021

Ajay Kumar Tomar, S/o Late Shri Ghurelal Tomar, Aged About 24 Years, R/o Basmahapat, Post Kundol, Police Station Dauki, District- Agra (U.P.)

--- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station- Punjipathra, District- Raigarh (C.G.)

--- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.
in MCRC No. 925 of 2021

For Applicant : Mr. Roop Naik, Advocate.
in MCRC No. 997 of 2021

For State/ Respondent : Ms. Anjali Singh Chouhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/03/2021

1. Since both the bail applications arise out of the same crime number, they are being disposed of by this common order.

2. These are the first bail applications 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. 14/2020, registered at Police Station- Punjipathra, District- Raigarh (C.G.) for the offence punishable under Section 363, 366A, 376(i), 370, 34 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for both the applicants submit that the applicants are in jail since 23.12.2020 and have been falsely implicated in this case. Although, the prosecutrix made a statement under Section 161 of the Cr.P.C. regarding her meeting with applicant- Sunita Jadaun, who, then played a role in marrying her to applicant- Ajay Kumar Tomar, but in the statement under Section 164 of the Cr.P.C., the prosecutrix has totally denied the previous version of her statement. Therefore, no case is made against these applicants, hence, it is prayed that these applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail applications submitting that the prosecutrix was minor and further, her statement under Section 161 of the Cr.P.C. discloses about commission of offences by these applicants and also it is the statement of applicant- Ajay Kumar Tomar before the police that he had purchased the minor prosecutrix for a price of Rs. 30,000/-. Therefore, no case is made out for grant of bail to these applicants, hence, the applications for grant of bail may be

rejected.

5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that the minor prosecutrix left her parental house on account of some dispute. She met with applicant- Sunita Jadaun, who took her to Agra where, it is alleged that she sold the minor prosecutrix to applicant- Ajay Kumar Tomar, who married her and was having physical relation with her until she was recovered by the police.
7. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C., which is total denial of her previous statement, I am of this view that it would be proper to release the applicants on regular bail, hence, I feel inclined to grant bail to the applicants in these cases.
8. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that the 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