

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 967 of 2021

1. Smt. Pooja Sarthi, W/o Rajkumar Sarthi, Aged About 25 Years, Cast-Sarthi, R/o Lendra- Bendrapara, P.S.- Baramkela, Tahsil and District-Raigarh, Chhattisgarh.
2. Smt. Mangali Bai Sarthi, W/o Lt. Karmu Sarthi, Aged About 55 Years, R/o Village-Mukta, P.S.-Dabhra, District-Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through-Out Post Jute Mill, P.S. City Kotwali, District- Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant :Mr. Krishna Tandon, Advocate.
For Respondent/State :Mr. B.P. Banjare, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/03/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.97/2020 registered at Out Post-Jute Mill, Police-Station-Kotwali, Raigarh, District-Raigarh(C.G.) for the offence punishable under Sections 363, 366, 366(क), 368, 376, 34 of IPC and Section 6 & 17 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The applicant No.1 is sister and applicant No.2 is mother of the main accused and there is no case against them. They are in jail since 28.10.2020,

hence, it is prayed that applicants may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is evidence regarding participation of the applicants in the commission of offences of abduction and rape by the main accused, therefore, they are not entitled for grant of bail for grant of regular bail.
4. Complainant Jagdish Prasad and the prosecutrix both are present before this Court. They have no objection in grant of bail to the applicants.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that the main accused Lalmani Sarthi abducted the minor prosecutrix of age below 16 years, kept her in his custody and exploited her sexually. The allegation against these applicants is this, that they assisted the main accused in the commission of these offences.
7. Considered on the submissions. Looking to the evidence against these applicants regarding their role played in the said commission of offences, I feel inclined to allow the bail application of these applicants.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

