

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 654 of 2021**

Mukesh Idgi, S/o. Xavier @ Jibrail, aged about 19 years, R/o. Jhapra, P. S. Balrampur, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : P. S. Balrampur, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

AND

M.CR.C. No. 1861 of 2021

1. Francis Idgi, S/o. Soma Idgi, aged about 30 years,
2. Xavier Idgi @ Jibrail Idgi, S/o. Soma Idgi, aged about 40 Years
3. Josfina, W/o. Xavier Idgi @ Jibrail Idgi, aged about 35 years,
4. Sumita, W/o. Francis Idgi, aged about 28 years,

All are R/o- Jhapra, P.S.- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through - P.S.- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Pushkar Sinha, Advocate
For Respondent/State	: Mr. Sameer Uraon, Govt. Advocate
For Complainant	: Mr. Ajay Mishra, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/06/2021

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.

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.02/2021, registered at Police Station – Balrampur, District -Balrampur-Ramanujganj, (C.G.) for the offence punishable under Section 363, 365, 366, 368, 376/34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Statement of the prosecutrix under Section 164 Cr.P.C. clearly mentions that she and the applicant – Mukesh Idgi had an affair between them and they intended to marry each other, regarding which, Panchayat meeting was called, but the mother of victim did not attend the meeting and thereafter false FIR has been lodged. Hence, there is no case is made out against the applicant – Mukesh Idgi. The applicants in M.Cr.C.No.1861 of 2021, are the relatives of the main accused person, who have no connection with the crime, which is alleged to have been committed. Therefore, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor on the date of incident, therefore, her consent is immaterial. Therefore, the applicants are not entitled for grant of bail.
5. Mr. Ajay Mishra, appearing on behalf of the complainant submits that the complainant has no objection in grant of bail to the applicants.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per the prosecution case, it is alleged that the applicant- Mukesh Idgi abducted the minor prosecutrix, kept her in his custody and exploited her sexually, in which, the applicants in M.Cr.C. No. 1861 of 2021 actively assisted the main accused person. Hence, this case.
8. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of Cr.P.C. and other facts and circumstances present in the case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- 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