

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1834 of 2021

- Krishna Pal S/o Munna Pal, Aged About 28 Years R/o Village Trishuli, Police Station Sanawal, District Balrampur - Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Police Station, Sanawal, District Balrampur – Ramanujganj, Chhattisgarh.

---- Respondent

MCRC No. 1972 of 2021

- Smt. Radha Pal, W/o Late Sarju Pal Aged About 48 Years R/o Trishuli, Police Station Sanawal, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station, Sanawal District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

MCRC No. 1994 of 2021

- Raju Pal Son Of Ramcharan Pal Aged About 25 Years R/o Village Khakron, Post Dhana, Police Station Naryav, District Sagar Dhan Naryali Madhyapradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station, Sanawal District

Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicants	:	Mr. V. K. Pandey, Advocate.
For Respondent/State	:	Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/08/2021

1. Since the above 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 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 52/2020 registered at Police Station-Sanawal, District–Balrampur-Ramanujganj(C.G.) for the offence punishable under Sections 363, 366, 370, 376(2)(n) of the Indian Penal Code (for short 'IPC') and Section 4 & 6 of POCSO Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities)Act, 1989.
3. Learned counsel on behalf of the applicants submits that the applicant is innocent and has been falsely implicated in this case. The statement of prosecutrix under Section 161 CrPC clearly shows about her conversation with the applicant Radha Pal and there is no statement against the applicant Krishna Pal. It is also reflected in her statement that she and the applicant Raju Pal started talking to each other on telephone and they developed an affair, because of which the prosecutrix herself left with the applicant Raju Pal and went to Sagar where she intended to marry the applicant. The father of the

prosecutrix has lodged false FIR against these applicants, therefore, there is no case present, hence, it is prayed that the applicants be granted regular bail.

4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that the statement of prosecutrix under Section 161 CrPC is very clear and against the applicants. The prosecutrix being minor was incapable for giving consent or being taken away from the guardianship of her parents, therefore, the application be rejected.
5. The complainant had virtually appeared before this Court through the 'Help Desk' of High Court on 20.7.2021. He has stated that he has objection in grant of bail to all these applicants.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. As per the prosecution case, it is alleged that the applicant Radha Pal used to entice and allure the minor prosecutrix to marry her off in a good family in Sagar as her daughter was married to some family in Sagar. At the instance of the applicant Radha Pal, the prosecutrix had telephone talks with the applicant Raju Pal. The applicant Raju Pal started expressing his love for the prosecutrix and his intention to marry her. Subsequently, on 22.9.2020 applicant Raju Pal came to the place of minor prosecutrix and then by inducing her, abducted and took her to Sagar. During her stay in Sagar, it is alleged that the applicant Raju Pal raped her on more than one occasions.
8. Considered on the submissions and the entire facts of the case. After looking to the statement of prosecutrix under Section 161 CrPC, I am of this view that this is a fit case where the applications filed by the

applicants can be allowed.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha