

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1873 of 2021

1. Udaychand, Son Of Gangaram Kodaku, Aged About 42 Years, Resident of Kerta, Thana Chalgali, District-Balrampur, Ramanujanj, Chhattisgarh.
2. Ramratan, Son of Manohar Cherva Aged About 42 Years Resident Of Kerta, Thana Chalgali, District Balrampur Ramanujanj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through, The Station House Officer, Police Station Chalgali, District-Balrampur-Ramanujanj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vikas Pandey, Advocate.
For Respondent/State	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/03/2021

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.131/2020 registered at Police-Station-Chalgali, District-Balrampur Ramanujanj(C.G.) for the offence punishable under Sections 363, 366, 368, 376(2)(n), 417 of IPC and Sections 4, 6, 17, 19, 21 of

POCSO Act, 2012.

2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated. There is no allegation against these applicants regarding abduction and rape of the minor victim. They have been roped as an accused in this case only that they gave shelter to the main accused Amarsai and the prosecutrix in their house, hence, it is prayed that they may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence present there is clear participation of these applicants in the commission of the other offences by the main accused Amarsai, hence, they are not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, It is submitted that the main accused Amarsai abducted the minor prosecutrix on 16.12.2020, who brought her to the house of applicant No.1 where he stayed for two days and committed rape with the minor prosecutrix, subsequent to that he took the minor prosecutrix to the house of applicant No.2 where he again stayed for some time and raped the minor prosecutrix.
6. Considered on the submissions. Looking to the nature of the allegations present against these applicants and the other circumstances present, I feel inclined to allow the application of these applicants.
7. 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

Nisha