

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2909 of 2021**

1. Puran Ram S/o Late Sunder Ram Rajwar, Aged about 50 years, Occupation Agriculturist, R/o Village Gumgara Khurd, P.S. Lakhanpur, Distt. Surguja, Chhattisgarh.
2. Ramkisun Ram S/o Shivbaran Ram Rajwar, Aged about 55 years, Occupation Agriculture, R/o Village Kailashpur, P.S. Jainagar, Distt. Surajpur, Chhattisgarh.

---Applicants**Versus**

State Of Chhattisgarh Through the Station House Officer, Police Station Lakhanpur, Distt. Surguja, Chhattisgarh.

--- Non-applicant/State

For Applicants :- Mr. Jitendra Shrivastava, Advocate
 For State :- Mr. Ravi Bhagat, G.A.
 For Complainant:- Mr. Vivek Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

21/05/2021

1. This is the first bail application 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. 51/2021, registered at Police Station - Utai, District Durg (CG), for the offence punishable

under Sections 363, 366, 376, 114 of IPC and Section 4, 6 of POCSO Act.

2. Case of the prosecution, in brief, is that the co-accused of the present applicants namely Akash Rajwade abducted minor victim and committed sexual intercourse with her and the present applicants, who are father and uncle of the co-accused Akash Rajwade, permitted him and the minor victim to stay in their house and thereby, committed the aforesaid offences.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in the crime in question and there is no allegation of sexual harassment against the present applicants, they are only the father and uncle of co-accused Akash Rajwade. He would further submit that the applicants are in jail since 06/04/2021. Charge-sheet is yet to be filed, therefore, the present applicants are entitled to be released on bail.

4. Mr. Ravi Bhagat, learned counsel for the State and Mr. Vivek Shrivastava, learned counsel appearing for the complainant/father of the victim, would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants and pre-trial detention of the applicants, and further considering that the investigation is almost complete and there is no allegation of sexual harassment against the applicants and the only allegation levelled against them is that they allowed the co-accused and the minor victim to stay in their house, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge