

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4530 of 2021**

1. Kunju Ram Thakur S/o Laxmi Prasad Aged About 57 Years R/o Gumgra Khurd, P.S. Lakhanpur, District- Sarguja, Chhattisgarh.
2. Vijay Narayan Thakur S/o Kunju Ram Thakur Aged About 31 Years R/o Gumgra Khurd, P.S. Lakhanpur, District- Sarguja, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Arakshi Kendra, Mahila Thana, Ambikapur,
District- Sarguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Gyan Prakash Shukla, Advocate.
For the Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.08.2021**

Heard.

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.19 of 2021, registered at Police Station – Mahila Thana, Ambikapur, District – Sarguja, Chhattisgarh for the offence punishable under Sections 376(2)(n), 363, 366, 342, 294, 323 and 506, 34 of the Indian Penal Code and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that applicant No.1 – Kunju Ram Thakur is in jail since 13.5.2021 and applicant No.2 – Vijay Narayan Thakur is in jail since 9.5.2021 and have been falsely implicated in this case. There is no allegation of rape against these applicants. The only

allegation is that they have assisted main accused – Sunil Kumar Thakur in the commission of offences, which is totally false. Hence, it is prayed that the applicants be enlarged on 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 in the statement of the prosecutrix under Section 164 of the Cr.P.C. she has clearly stated that these applicants had kept her in confinement and they abused, threatened and thrashed her. Hence, this case.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecutrix has appeared before this Court on 5.8.2021 and stated that she has objection in grant of bail to the applicant.

6. According to the prosecution case, co-accused – Sunil Kumar Thakur abducted the minor prosecutrix of age below 18 years, kept her in his custody in confinement and he also exploited her sexually. The allegation against these applicants is that the co-accused brought the prosecutrix to the Court of Executive Magistrate where some documents were prepared and signed, during which, these applicants were present, who made a statement that she has been married to the co-accused. Further, it is alleged in the complaint, that these applicants kept the prosecutrix in confinement and on some occasions, she has been abused, threatened and thrashed by these applicants.

7. Considered on the submissions and the facts and circumstances of the case. Considering the fact that these applicants are not the main accused in this case, therefore, I feel inclined to grant regular bail to the applicants in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge