

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5429 of 2021

1. Shammi Shikari And Another S/o Bhakti Ram Shikari, Aged About 22 Years R/o Village Changori, Police Station Kota, District : Bilaspur, Chhattisgarh
2. Pawan Kumar S/o Babulal Yadav, Aged About 33 Years R/o Partapur, Police Station Mandand, District : Alwar, Rajasthan

---- Applicants

Versus

1. State Of Chhattisgarh, Through - Station House Officer, Police Of Police Station - Ratanpur, District : Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Achyut Tiwari, Advocate.
For State/respondent	: Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/09/2021

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.154/2021 registered at Police-Station-Ratanpur, District-Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. They are in jail since 08.07.2021. The prosecutrix has given statement under Section 164 CrPC, that she has lodged FIR against the applicants because of

the previous enmity and no offence had been committed by the applicants, therefore, there is no ground present for prosecution of these applicants, hence, it is prayed that they may be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that firstly the prosecutrix was minor and secondly she has made serious allegations against the applicants and one another in her statement under Section 161 CrPC, therefore, the application be rejected.
4. The prosecutrix had physically appeared before this Court on notice on 15.09.2021. She had stated that she has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that the applicant No.1 abducted the minor prosecutrix and then raped her. Later on, the minor prosecutrix was taken by applicant No.2 and one another to Hariyana. It is alleged that the co-accused Monu performed marriage with the minor prosecutrix and exploited her sexually. Hence, this case.
7. Considered on the submissions. Looking to the statement of the prosecutrix given under Section 164 CrPC, I feel inclined to allow the bail application of these applicants.
8. 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