

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5631 of 2021**

1. Devlal Suryavanshi, S/o Lakhpat, aged about 52 Years,
2. Leelawati, W/o Devlal Suryavanshi, aged about 45 Years,

Both are R/o Village Budhar, Police Station Patna, Tahsil Baikunthpur, District Koriya, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Ramanujganj, District Surajpur, Chhattisgarh.

----Non-applicant/State

For Applicants	Shri Anil Gulati, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

29/11/2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.62/2021 registered at Police Station- Ramanujnagar, District Surajpur, C.G. for the offence punishable under Sections 363, 366, 376(2-च), 376(2-ढ) & 368 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 09.11.2019 the son of the applicants namely Chintamani enticed away the prosecutrix, a minor girl, to his home and committed forcible sexual intercourse with her on the pretext of marriage.

Allegation against the present applicants is that they were

though aware of the forcible sexual intercourse by their son with the prosecutrix but they concealed the same and kept the prosecutrix confined in their home.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that only role which was attributed by the applicants is that they provided shelter to the co-accused and apart from that there is no role attributed by the applicants for commission of the alleged offence. Applicants are in jail since 30.03.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
5. On 21.10.2021, prosecutrix had appeared through DLSA, Surajpur before this Court and raised objection to release of the applicant on bail.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation made against the applicants, further considering the statement of the prosecutrix recorded under Section 164 of Cr.P.C wherein she has not stated anything against the present applicants, she was living with the co-accused-Chintamani from 09.11.2019 to 05.12.2020 for a period of about one year, the applicants are only the parents of the co-accused-Chintamani, the main allegations of

abduction and rape are against the co-accused- Chintamani, the detention period of the applicants, who are 52 & 45 years old and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, the bail application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

