

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5921 of 2021**

1. Fulchand Baghel S/o Shri Roysingh Baghel Aged About 45 Years
 2. Lakhamuram Baghel S/o Shri Roysingh Baghel Aged About 35 Years
- Both R/o Village Narawan, Post Sonpur, Police Station Karpawan, District Bastar CG.

---- Applicants

Versus

- State of Chhattisgarh through the Station House Officer, Police of Police Station Balod, District Balod CG

---- Non-applicant

MCRC No. 6338 of 2021

- Soman Patel S/o Late Damaru Patel Aged About 26 Years R/o Village Bedagaon, Gram Panchayat Matnar, P.S. Karpawan, District Bastar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through the Station House Officer, Police of Police Station Balod, District Balod CG

---- Non -applicant

For applicants	Mr. Shikhar Sharma, Adv.
For non-applicant/State	Mr. Smita Jha, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****21-10-2021**

1. As both the above bail applications arise from the same crime no. of same police station, they are being heard and disposed of by this common order.
2. As per applicants, these are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no bail application is pending before any other court.
3. The applicants have been arrested in connection with Crime No. 153/2021 registered in police station Balod, Distt. Balod, (CG) for offence punishable under 363, 366, 368, 376(2)(ढ), 34 of the Indian Penal Code and Section 4, 5(ढ) and 6 of Protection of Children from Sexual Offences Act.
4. Brief facts of the case are that on 21-6-2021, main accused Bindesh Baghel abducted the victim who was minor at that time, and took her

to various places and also committed forcibly sexual intercourse with her on the pretext of marriage. As per case diary, role of applicants in the crime is that they reached to them i.e. main accused Bindesh Baghel and victim/prosecutrix, kept them to village Bedagaon, village Badegunda (Bada Gumuda), PS Kondiga, Distt. Navrangpur. Victim / prosecutrix was recovered from possession of main accused Bindesh Baghel. FIR under Section 363 of the IPC was lodged by Parmeshwar Kumar Yadav in PS Balod. After recovery of the victim/prosecutrix, charge sheet was filed by police station Balod under aforesaid sections against main accused Bindesh Baghel, applicants and other accused persons.

5. Counsel for the applicants argued that the applicants have been falsely implicated in this case. They have not been involved in any activity of the alleged offence. If prosecution story is seen, then also, they have very limited role in the alleged crime. Co-accused Phoolmani Nag, in whose house, the victim/prosecutrix and main accused Bindesh Baghel resided for some days, has been granted bail by the trial Court. Role of the present applicants is lesser than the role of bailed out co-accused Phoolmani Nag. The applicants are in jail since 8-6-2021, charge sheet has already been filed. Prosecutrix has been examined in the trial Court, wherein she herself has stated that the applicants have not committed anything against her, rather they explained her like their daughter to go to her parental home. Hence, He prays to allow the bail application of the applicants.
6. On the other hand, the State Counsel opposed the bail applications submitting that it is a case of abduction and rape of minor girl, trial is going on, therefore, the applicants are not entitled for regular bail
7. Notice was issued to the victim/prosecutrix. On being heard on 10-9-2021 through virtual mode from District Legal Services Authority, Balod, she has objected to grant bail to the applicants in both the cases.
8. I have heard counsel for both the parties and perused the case diary and material available.
9. Applicants are in jail since 8-6-2021, charge sheet has already been filed, trial is going on. Perusal of case diary shows that the applicants have played very limited role in the alleged crime. Looking to the abovesaid facts and especially taking into consideration the limited role played by the applicants in the alleged crime and also their detention period, I feel inclined to allow the bail applications.

Therefore, the applications are allowed. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs. 50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

10. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge