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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6432 of 2021**

- Vidyaprakash Ratre Urf Sonu S/o Lakhan Ratre, aged about 24 years, Manghai Bhantha, P.S. Sarsinva, District Baloda-Bazar (C.G.) Presently Address Bhagwanpur, P.S. Kotra Road, District Raigarh

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer P.S. Kotra Road, District Raigarh (C.G.)

---- State/Non-Applicant

And**M.Cr.C. No. 7984 of 2021**

- Lakhan Lal Ratre S/o Lt. Mahettar Ratre, aged about 46 years, Manghai Bhantha, P.S. Sarsinva, District Balodabazar (C.G.) Presently Address Bhagwanpur, P.S. Kotra Road, District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer P.S. Kotra Road, District Raigarh (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Manoj Kumar Jaiswal, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General
For Objector/Complainant	:	Shri Suresh Kumar Verma, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****29.11.2021**

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same crime number i.e. 69/2019 registered in Police Station- Kotra Road, District Raigarh (CG) for the offence punishable under Sections 363, 366, 368, 376 read with Section 34 of IPC and Sections 4 & 6 of POCSO Act, they are being disposed of by this common order.
2. Case of the prosecution is that applicant Vidyaprakash Ratre is the son of applicant Lakhan Lal Ratre. Applicant Vidyaprakash Ratre and prosecutrix aged about 17 years were having love affair with each other. On the pretext of marriage, applicant Vidyaprakash Ratre committed sexual intercourse

with prosecutrix on 21.01.2018 and on 04.04.2019 he abducted the prosecutrix from her lawful guardianship. On 07.11.2019 both applicant Vidyaprakash Ratre and the prosecutrix performed marriage in Arya Samaj Mandir at near Baijnath, Raipur. Both were living with each other as husband and wife and due to the said relationships the prosecutrix got pregnant and gave birth to one child. Thereafter, the father of the prosecutrix lodged a report against applicants.

3. Prosecutrix is present in person alongwith her counsel before this Court and she is identified by Shri Suresh Kumar Verma, Advocate. Prosecutrix has stated that she has no objection to grant of bail to the applicants by this Court because she has performed marriage with applicant Vidyaprakash Ratre at Arya Samaj Mandir on 07.11.2019. She further stated that she is having two children (son & daughter) in which daughter has expired and she is willing to live together with the family of the applicants.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He submits that the prosecutrix was having a love affair with applicant Vidyaprakash Ratre and both performed marriage in Arya Samaj Mandir. He also submits that the applicants are in jail since 06.07.2021 and conclusion of the trial is likely to take some time, therefore, the applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail applications.
6. Learned counsel for the complainant has no objection to grant of bail to the applicants by this Court.
7. I have heard learned counsel for the parties.
8. Having regard to the facts and circumstances of the case, the statement of the prosecutrix under Section 164 Cr.P.C. where she stated that she has performed marriage with applicant Vidyaprakash Ratre after attaining the age of 18 years, the copy of marriage certificate filed as Annexure-A/2 in

M.Cr.C. No. 6432/2021 and she has no objection to grant of bail to the applicants by this Court, she stated that she is having two children (son & daughter) in which daughter has expired and she is willing to live together with family of the applicants/accused, further that the detention period of the applicants who are 24 & 46 years old and conclusion of the trial is likely to take some time, there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties, without expressing any opinion on merits of the case, the bail applications are allowed.

9. 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:-

- 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.
- they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

10. 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 nature of offence.

11. In the result, M.Cr.C. No. 6432 of 2021 and M.Cr.C. No. 7984 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge