

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6281 of 2021

1. Balkunwar, W/o Hiralal, Aged About 42 Years, R/o Gram Navapara, Police Chowki Basdae, Thana and District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
2. Hiralal, S/o Late Balwant Ram, Aged About 45 Years, R/o Gram Navapara, Police Chowki Basdae, Thana and District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Chowki Basdae, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

----Non-applicant

For Applicants – Mr. Arvind Singh, Advocate.

For Non-applicant/State – Ms. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 15-07-2021 in connection with Crime No.296 of 2021 registered at Police Chowki Basdae, Thana Surajpur, District Surajpur, Chhattisgarh for the offence under Section 363, 366, 376 (2) (n), 368, 34 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicants, that the applicants have been falsely implicated. They are in jail since 15-07-2021. No offence has been committed by these applicants. The allegation is mainly against the juvenile offender who happens to be son of these applicants who is alleged to have committed offences of abduction and rape of the minor victim. Therefore, it is prayed that these applicants be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that these applicants have clearly assisted the main offender in

commission of the offence. Therefore, the application may be rejected.

4. The minor prosecutrix is virtually present through Help Desk of DLSA Surajpur. She has objection in grant of bail to the applicants.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the juvenile offender abducted the minor prosecutrix and took her to the house of his parents who are these applicants, where while keeping the prosecutrix in his custody he exploited her sexually. Hence, this case.

6. Considered on the submissions. Looking to the nature of the allegations that are present against these applicants and also as informed that the juvenile offender has already been granted bail by the Board itself, hence, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge