

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6299 of 2021

- Puniya Ram S/o Bitbit Ram Aged About 48 Years, R/o Village-Harradand, Police Station - Kunkuri, District - Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Kunkuri, District - Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 7332 of 2021

- Vishal Bhaat S/o Bagdiram Bhaat Aged About 23 Years, Caste Bhaat, R/o Village Badodiya, Police Station Namlee, District Ratlam Madhya Pradesh., District : Ratlam, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station - Kunkuri, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Harish Khuntiya, Advocate (in MCRC No.6299 of 2021),
Shri Sanjeev Kumar Sahu, Advocate (in MCRC No.7332 of 2021).

For State/Non-applicant – Shri Ankur Kashyap, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-10-2021

1. As both these applications arise out of the same crime number, i.e. Crime No.66/2021 registered at P.S. - Kunkuri, District Jashpur, Chhattisgarh, they are being decided by this common order.
2. Both these applications filed under Section 439 of the Cr.P.C by the applicants are their first application before this Court for grant of regular bail. Applicant Vishal Bhaat (applicant in MCRC No.7332 of 2021) has been arrested on 15-07-2021 in connection with aforesaid crime number for the offence under Section 363, 366, 370, 376 (2) (N) of the IPC and under Section 3, 4 of the Protection of Children from Sexual Offences Act.

Applicant Puniya Ram (applicant in MCRC No.6299 of 2021) has been arrested on 15-07-2021 in connection with aforesaid crime number for the offence under Section 363, 366, 366(A), 370(A), 376 (2) (n) of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for applicants in both the applications submits that these applicants have been falsely implicated. They are in jail since 15-07-2021. According to the statement of the prosecutrix under Section 164 of the Cr.P.C., no case is made out against these applicants. Therefore, it is prayed that these applicants may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that the prosecutrix was minor and there is clear evidence in the statement of the prosecutrix under Section 161 of the Cr.P.C. that she was abducted and raped by applicant Vishal Bhaat and also stated about involvement of applicant Puniya Ram in the offences alleged against him. Hence, the applications may be rejected.

5. In MCRC No. 6299 of 2021, notice issued to the complainant for a fixed date of 22-09-2021 was returned served, but on that date there was no appearance and no representation from the complainant side. In MCRC No.7332 of 2021 the prosecutrix is virtually present today through the Help Desk of TLSA Kunkuri, District Jashpur on notice. She has made statement that she has no objection in grant of bail to the applicant in MCRC No.7332 of 2021.

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

7. According to the prosecution case, it is alleged that applicant Puniya Ram abducted the minor prosecutrix and handed over to applicant Vishal Bhaat who on pretext of marrying the minor prosecutrix has sexually exploited her. Hence, this case.

8. Considered on the submissions. Looking to the statement of the

prosecutrix given under Section 164 of the Cr.P.C. in which she has resiled from her earlier statement under Section 161 of the Cr.P.C., I feel inclined to allow both these applications.

9. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge