

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8235 of 2020

Dashrath Minj, S/o Manohar Minj, Aged About 65 Years, R/o Village Karhikachhar Police Chowki Belgahana, Police Station- Kota, District- Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Police Chowki Belgahana, Police Station- Kota, District- Bilaspur (C.G.)

--- Respondent

AND

MCRC No. 8699 of 2020

1. Siyaram Minj, S/o Dashrath Minj, Aged About 28 Years.

2. Kelentri Bai, W/o Siyaram Minj, Aged About 26 Years.

Both are R/o Village Karhikachhar, Police Chowki Belgahana, P.S. Kota, District- Bilaspur (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through Police Chowki Belgahana, P.S. Kota, District- Bilaspur (C.G.)

--- Respondent

For Applicants : Mr. Suresh Pandey, Advocate.

For State/ Respondent : Ms. Binu Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21/01/2021

1. Since both the bail applications arise out of the same crime

number, they are being disposed of by this common order.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 389/2020, registered at Police Chowki Belgahana, Police Station- Kota, District- Bilaspur (C.G.) for the offence punishable under Section 313, 341, 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicants submits that the applicants are in jail since 29.09.2020 and have been falsely implicated in this case. Although, the allegation has been made by the minor prosecutrix and the complainant against main accused- Ajay Minj regarding commission of offence of rape, which is subject to examination, but the allegation against these applicants that they had participated in getting pregnancy of the prosecutrix aborted, is totally false. The medical examination of the prosecutrix, does not mention about any previous pregnancy in definite sense. Sonography report of the prosecutrix also does not reveal any pregnancy of the prosecutrix. The only evidence is of the complainant- Anna Minj herself, who is a hearsay witness. No case is made out against the applicants, hence, it is prayed that these applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail applications submitting that according to the FIR lodged, both the applicants are the persons, who tried to suppress and

conceal commission of offence against the minor prosecutrix.

They also actively participated in getting pregnancy of the prosecutrix aborted, regarding which, the complainant has given clear statement, therefore, they are not entitled for grant of bail.

5. Complainant- Anna Minj is present before this Court and she has made statement that she has strong objection in grant of bail to these applicants.
6. Heard counsel for both the parties and perused the records.
7. As per case of the prosecution, it is alleged that the minor prosecutrix of age about 13 years, was living under the guardianship of these applicants. She was sexually exploited by co-accused- Ajay Minj, as a result of which, she became pregnant. When pregnancy of the prosecutrix was revealed, it is alleged that these applicants got associated to get the pregnancy of the minor prosecutrix aborted, in which, they succeeded. The prosecutrix then, narrated about this incident to her mother- Anna Minj, who has lodged FIR against these applicants and other co-accused persons.
8. Considered on the submissions and the facts present in this case. After considering on the medical and Sonography report of the prosecutrix and that, the applicants are in jail for quit sometime, charge-sheet has also been filed after completion of investigation and also the other circumstances present, I am of this view that it would be proper to release the applicants on regular bail, hence, I feel inclined to grant bail to the applicants

in these cases.

9. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- each with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun