

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9462 of 2020

- Manmati, W/o Shri Ram Kumar, Aged About 40 Years, By Caste Chamar, R/o Village-Dhavalpur, Thana Jhagrakhand, Tahsil Khadgawan, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh, Through Police Station Surajpur, District-Surajpur Chhattisgarh.

---- Respondent

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MCRC No. 869 of 2021

- Koriya Kumar @ Sonu, S/o Ramkumar, Aged About 21 Years, By Caste Chamar, R/o Village-Dhavalpur, Thana-Jhagrakhand, Tahsil-Khadgawa, District- Koriya, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through Police Station-Surajpur, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Respondent/State	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/03/2021

1. Since the above 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 for grant of regular bail to the applicants who

have been arrested in connection with Crime No. 503/2020 registered at Police Station-Surajpur, District–Surajpur(C.G.) for the offence punishable under Sections 363, 366, 376(2)(n), 368 of the Indian Penal Code (for short 'IPC') and Section 6 of POCSO Act.

3. Learned counsel on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in these cases. Applicant Manmati in MCRC No.9462 of 2020, is the Aunt of the main accused Koriya Kumar and there is no specific allegation present against her. As regard the allegations against the applicant Koriya Kumar in MCRC No.869 of 2021, that were present in the statement of prosecutrix under Section 161 CrPC, have been contradicted by her own statement given under Section 164 CrPC. Further, the new development is this, that the prosecutrix has been examined in the trial and she has not supported the prosecution case. The applicants are in jail since 10.12.2020, hence, it is prayed that applicants be granted regular bail.
4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that the prosecutrix was minor of age below 18 years, therefore, any willingness and consent on her part is immaterial, and further, she had made clear allegations against these applicants in her statement under Section 161 CrPC, hence, none of the applicant is entitled for grant of regular bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As per the prosecution case, it is alleged that the applicant Koriya Kumar abducted the minor prosecutrix of age below 18 years took her to his own house, where she was kept in confinement and sexually

exploited by the applicant Koriya Kumar. The allegation against the applicant Manmati is this, that she assisted and connived in the commission of this offence by the Koriya Kumar.

7. Considered on the submissions. Looking to the facts and circumstances that are now present and also the developments that were taken place after the first statement given by the prosecutrix, I feel inclined to allow the bail applications of these applicants.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha