

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9781 of 2021

1. Anarkali @ Payal Wd/o Ramcharan Aged About 38 Years
Caste Badi, R/o Village Chhatauli, Police Station Mada
District Singrouli M. P.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police
Of Police Station Odagi, District Surajpur Chhattisgarh

---- Respondent

MCRC No. 9034 of 2021

1. Naresh Raikwar @ Kunnu S/o Haridas Aged About 20 Years
Caste Kewat, R/o Village Pur Bivau, Ganga Mandir, Police
Station City Kotwali Sagar, District Sagar (M.P.)

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer,
Police Of Police Station Odagi, District Surajpur
Chhattisgarh.

---- Respondent

For Applicants

Mr. Vijay Kumar Sahu, Advocate

For Respondent /State

Mr. Ashutosh Mishra, Panel Lawyer

Order on BoardByHon'ble Shri Justice Goutam Bhaduri

10/12/2021

1. Since both the bail applications are arising out of crime No.49/2019 they are being considered and decided by this common order
2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C. for grant of bail as they have been arrested in connection with Crime No.49/2019, registered at Police Station Odagi, District Surajpur, CG, for the offence punishable under Sections 363, 366, 366 (क), 376 (2- ङ), 376 (3), 370, 370 (क), 34 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act.
3. As per the prosecution case, the father of the prosecutrix lodged a report on 23-6-2019 about missing of the prosecutrix. During investigation, it was found that she was enticed away by one Santosh Kumar Dewangan and thereafter sold to Anarkali @ Payal (applicant in MCRC No.9781 of 2021). Thereafter, Naresh Raikwar @ Kunnu (applicant in MCRC No.9034 of 2021) committed forcible sexual intercourse with the prosecutrix.
4. Learned counsel for the State would oppose the bail applications.
5. Prosecutrix and her father have been examined before the Court below and they have not supported the prosecution case. Before this Court also the prosecutrix and her father appeared through video conferencing from DLSA, Surajpur and stated that they have no objection to grant bail to the applicants.

6. Perused the statements of prosecutrix and also father. *Prima facie* it shows that they have not supported the prosecution case. Even before this Court also they stated that they have no objection to grant bail to the applicants.
7. Considering the entire facts situation of the case, I am of the opinion that present is a fit case to release the applicants on regular bail.
8. Accordingly, both the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.
9. Certified copy as per rules. Sd/-

(Goutam Bhaduri)
Judge

Gowri