

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2847 of 2015**

1. Suresh Kumar Joshi S/o Sherlal Joshi Aged About 25 years
R/o B.S.U.P. Colony, Bhatagaon, P.S.- Purani Basti, Civil And
Revenue District- Raipur, Chhattisgarh
2. Pramod Kumar Joshi S/o Shri Ram Joshi Aged About 25 Years
R/o B.S.U.P. Colony, Bhatagaon, P.S.- Purani Basti, Civil And
Revenue District- Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: P.S.- Purani Basti, Civil And
Revenue District Raipur, Chhattisgarh

---- Respondent

For Applicants:	Shri Devershi Thakur, Advocate.
For Respondent/State:	Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/07/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 84/2014 registered at Police Station – Purani Basti, Distt. Raipur for the offences punishable under Sections 376, 450 & 342/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 08.04.2015 at about 2 p.m. applicants are alleged to have committed sexual intercourse with the prosecutrix against her will by wrongfully confining her in her

house and thereby committed the aforesaid offences.

(3) Counsel for the applicants submits that the applicants have falsely been implicated in the crime in question as they have not committed any offence. He further submits that applicants are in jail since 09.04.2015; and charge sheet has already been filed against the applicants and no useful purpose would be served in keeping them in jail and, therefore, the applicants may be released on bail.

(4) On the other hand, learned counsel for the State would submit that it is Suresh Kumar Joshi (applicant No.1), who has committed sexual intercourse with the prosecutrix and applicant No. 1 – Pramod Kumar Joshi has assisted him in wrongfully confining the prosecutrix in her house.

(5) So far as the bail application with regard to applicant No. 1 is concerned, looking to the material collected by the prosecution against him, I am not inclined to release him on bail. Therefore, bail application of applicant No. 1- **Suresh Kumar Joshi** is rejected.

(6) So far as bail applications of applicant No. 2- **Pramod Kumar Joshi** is concerned, considering the role of the applicant No. 2 in offence in question and the facts he is languishing in jail since 09.04.2015; charge sheet has already been filed against him; this court is of the view that it is a fit case to release the applicant No. 2 on bail. Accordingly, the bail application is

allowed.

(7) Accused/applicant - **Pramod Kumar Joshi** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-