

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7109 of 2015

1. Khedan Nirmalkar S/o Phool Singh Nirmalkar Aged About 38 Years R/o Village Bartori, Police Station Dharsinwa, Distt. Raipur, Chhattisgarh.
2. Vinod Dhiwar S/o Sonu Dhiwar Aged About 26 Years R/o Village Bartori, Chowki Silyari, Police Station Dharsinwa, Distt. Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, P.S.
Dharsinwa, Distt. Raipur, Chhattisgarh.

---- Respondent

For applicants - Shri Dheerendra Mishra, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/12/2015

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 258/2015 registered in Police Station Dharsinwa, District Raipur (C.G.). for offence punishable under section 376, 506, 34, 507 of IPC.
2. As per the prosecution case one Ajay Sahu committed rape with the prosecutrix and these applicants Khedan Nirmalkar and Vinod Dhinwar used to call the prosecutrix and extend her threat on her mobile to allow Ajay Sahu to commit forceful sexual act and listen to his demand.
3. Learned counsel for the applicants submits that only allegation of threat have been levelled against these applicants and main allegations of rape are against Ajay Sahu. He further submits that applicants have been falsely implicated in this case and charge sheet having been filed, the applicants may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement of the prosecutrix under Section 161 of Cr.P.C. and also statement under Section 164 of Cr.P.C. Taking into account the allegations against these applicants and main allegations are against Ajay Sahu, considering the fact that applicants are in jail since 6/10/2015, charge sheet having been filed and also considering the nature and degree of allegations against these applicants, this court is inclined to release the applicants on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE