

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.4642 of 2015**

1. Suraj @ Sandip Guruvekar aged about 22 years, S/o Late Chaturam Guruvekar, R/o-Ward No.11, Kuran, Police Station-Dharsinva, Dist-Raipur (CG)
2. Raju Kandra, aged about 24 years S/o Anandram Kandra, R/o Ward No.8, Kuran, Police Station-Dharsinva, Dist-Raipur (CG)

**---Applicants****Versus**

The State of Chhattisgarh Through SHO, Police Station – Dharsinva, Raipur (CG)

**---Non-applicant****And****M.Cr.C.No.4643 of 2015**

1. Sumit Gaikwad aged about 24 years, S/o Shri Janakram Gaikwad, R/o Ward No.8, Kuran, Police Station-Dharsinva, Dist-Raipur (CG)
2. Kishan Koushik, aged about 28 years S/o Murli Manohar Koushik, R/o Ward No.6, Kuran, Police Station-Dharsinva, Dist-Raipur (CG)

**---Applicants****Versus**

The State of Chhattisgarh Through SHO, Police Station – Dharsinva, Raipur (CG)

**---Non-applicant**


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| For Applicants    | : | Mr. Vikram Singh, Advocate                |
| For Non-applicant | : | Mr. Anupam Dubey, Dy. Government Advocate |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****07/09/2015**

1. Since the aforesaid two bail applications are arising 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.128/2015, registered at Police

Station-Dharsinva, District Raipur (CG), for the offence punishable under Sections 376 and 506B & 34 of the IPC.

3. Case of the prosecution, in brief, is that on 29.4.2015 co-accused Jakir committed forcefully intercourse with the prosecutrix and immediately thereafter the present applicants came on the spot and they threatened her not to make report to the police and thereby committed the aforesaid offence.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that no allegation of rape against the present applicants and there is allegation of offence of threatening against them, which is punishable under Section 506B of the IPC. He would also submit that the applicants are in jail since 5.5.2015 and charge-sheet has already been filed and therefore, they may be enlarged on bail.

5. On the other hand, learned counsel for the State would oppose the bail application and submit that there is no allegation of rape against the present applicants.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants, no allegation of rape against them, their pre-trial detention and the fact that charge-sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the

Cr.P.C. are allowed.

9. It is directed that applicants **Suraj @ Sandip Guruvekar, Raju Kandra, Sumit Gaikwad** and **Kishan Koushik** 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.

10. Certified copy as per rules.

**Sd/-**

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-