

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1767 of 2016

1. Ashok Kumar, S/o Shri Rambriksha Aged About 22 Years By Caste Harijan, R/o Village Khaira, Police Station Chandni, Tahsil Odgi, District Surajpur, Chhattisgarh.
2. Ramprakash S/o Shri Ram Adhin Aged About 26 Years By Caste Harijan, R/o Village Chhuidih, Police Station & Tahsil Odgi, District Surajpur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Odgi, District Surajpur, Chhattisgarh.

---- **Respondent**

For the applicants	:	Mr. Sushil Dubey, Advocate
For the Respondent	:	Mr. Satish Gupta, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 16/2016 registered at P.S. Odgi, Distt. Surajpur (C.G) for the offence punishable under Sections 341, 114, 376(2)(f) of India Penal Code and Sections 4 & 6 of the Protection of Children from sexual Offences Act.
2. As per the prosecution case, on 15.02.2016 when the prosecutrix was coming back with his friend Baspati at that time applicant Ashok Kumar intercepted, thereafter dragged the prosecutrix to an abandoned house and thereafter committed sexual intercourse and the other co-accused Ramprakash, applicant No.2 herein, who was with Ashok Kumar took away the friend namely Baspati so as to allow Ashok Kumar to commit the crime.

3. Learned counsel for the applicants submits that the applicants have been falsely been implicated and no offence has been committed, therefore, they may be enlarged on bail. It is also submitted that no substantive allegations have been attributed to applicant No.2 Ramprakash
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of prosecutrix and Baspati. A perusal of such statements would show that the main allegations are attributed to applicant no.1 Ashok Kumar.
6. Considering the facts and circumstances of the case and taking into statements of the prosecutrix and Baspati wherein the main allegations are levelled against applicant No.1, I am not inclined to release him on bail. Accordingly application of Applicant No.1 Ashok Kumar is rejected.
7. However, since no allegations of rape have been made against applicant No.2 Ramprakash, his bail application is allowed.
8. Accordingly, the bail application applicant no.2 Ramprakash is allowed and he is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE