

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1991 of 2016

1. Mohammad Ajaj S/O Mohammad Israil Khan Aged About 24 Years R/O At Mohadapara Gali No. 2 P.S. Mohadapara Raipur Rev. And Civil Distt. Raipur Chhattisgarh.

2. Mohammad Faiz S/O Late Tanveer Mohammad Aged About 30 Years R/O. M.G. Road Dr. Birdi Gali Mohadapara P.S. Mohadapara Raipur Rev. And Civil District Raipur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Respondent

For applicants - Shri P.K. Tulsiyan, Advocate.

For Respondent/State – Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/04/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 6/11/2015.

2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 600/2015 registered in Police Station Civil Line, District Bilaspur (C.G.) for offence punishable under sections 363, 365, 366 (A), 370, 370 (A) and 376 (D) of IPC and u/s 5 (g), 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution in brief is that at the instance of one Pragati @ Khusbu, the victim went away from her home to Raipur. Thereafter, when they reached Raipur, they roamed around at certain places and stayed at some place at Telibanda. Thereafter, they were harrassed by boys. They went out in the morning and they were made to stay in a room and were given cold drink with intoxication and the boys committed rape. Thereby, offence is committed.

4. Learned counsel for the applicants submits that victim in this case has turned hostile and has not supported the case of the prosecution. Learned counsel for the applicant relied on the statement of the victim which is filed as Annexure A-3 and the witness Smt. Sasima Masih and therefore he submits that applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Taking into fact statement under section 164 of Cr.P.C. was also recorded that of the victim and the victim appears to be minor, therefore it will not be proper to evaluate the evidence meticulously as that of like trial court and decide the case on merits. Considering the facts of this case, I am not inclined to allow this second bail application. Accordingly, it is dismissed. However, trial court is requested to expedite the trial.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE