

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2250 of 2016

Ravindra Biswas @ Sushil Aged About 24 Years, S/o Shri Sitanshu Bishwas R/o Jaipul P.S. - Kharda, District - 24 Uttar Pargana (West Bengal) Presently R/o Tirapara District - Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Police
Station - Ganj District - Raipur Chhattisgarh

---- Respondent

For applicant - Shri Praveen Das, Advocate.
For Respondent/State –Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/05/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 13/01/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 130/2015 registered in Police Station Ganj, District Raipur (C.G.) for offence punishable under section 342, 370(A)(1), 372 all read with 34 of Indian Penal Code & Section 6 read with Section 17 of Prevention of Children against Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that a missing report was lodged by the father of the victim on 26/07/2015. The girl was recovered on 1/08/2015 from Railway Station, Raipur. During the course of interrogation, it was revealed that she was in her aunts house on 26/06/2015, while she was returning to her home at about 10.00 PM two accused persons namely Ashish and Gulshan took her in their motorcycle and she was first kept in a hotel, there they have committed sexual

intercourse with the prosecutrix. On the next day, she was taken to the house of Shaina Begum, wherein this applicant and the other accused persons have kept the prosecutrix in their captivity and committed sexual intercourse with her. There the applicant was also present named as Bengali boy. Subsequently, the applicant took her to Sarangarh along with the other accused persons wherein she was sexually molested. Thereafter, she was released on 1/08/2015 at Raipur. Thereby, the offence is committed.

4. Learned counsel for the applicant submits that the prosecutrix has been examined in this case and initially though the applicant was identified as Bengali but identification has been negated by the prosecutrix herself and no allegation of forceful rape has been attributed against this applicant and the allegations have been attributed to the other co-accused, therefore the applicant may be enlarged on bail.

5. Learned State counsel opposes the prayer for grant of bail and submits that the applicant was named as Bengali initially in the statement of the prosecutrix and she has stated categorically against this applicant, therefore the applicant may not be released on bail.

6. I have perused the statement of the prosecutrix which is placed on record. At para 16 it is stated that when prosecutrix went from Sarangarh at that time Shaina Begum and her husband and Bengali named boy they made to sit her in the car and in para 18 it is stated that Mukesh is known as Bengali. Considering the statement of the prosecutrix as it appears that presently identity of the applicant itself is in doubt and without any observation on the merit, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a

3

sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

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