

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4056 of 2016

1. Ravikant Khande S/o Hetram Khande Aged About 26 Years

2. Sanjay Singh Khande S/o Hetram Khande Aged About 31 Years

Above both the applicants are R/o Village - Pendari, Police - Chowki
- Sakari Police - Station - Chakarbhatha, District - Bilaspur
Chhattisgarh

----Applicants

Versus

State Of Chhattisgarh Through Its Police Station - Chakarbhatha,
District - Bilaspur, Civil - Revenue District - Bilaspur Chhattisgarh

And

MCRC No. 4149 of 2016

Amit Khande S/o Anjordas Khande Aged About 20 Years R/o
Village - Pendari, Police - Chowki - Sakari Police - Station -
Chakarbhatha, District - Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Its Police Station - Chakarbhatha,
District - Bilaspur, Civil - Revenue District - Bilaspur Chhattisgarh

---- Respondent

For applicants - Shri Ravi Maheshwari, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2016

1. Both these bail applications are decided by this common order as they are arising out of the same crime number. M.Cr.C. No.4056/2016 is the first bail application and M.Cr.C. No.4149/2016 is the second bail application. Earlier bail application was dismissed for want of prosecution on 17/06/2016.

2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.82 of 2016 registered in Police Station Chakarbhatha, Civil & Revenue District Bilaspur (C.G.) for offence punishable under sections 363, 341 & 376 (G)/34 of Indian Penal

Code and u/s 3, 4, 6 & 8 of POCSO Act [376(d) & 18 wrongly typed in order sheet, correct is 376 (G) of IPC & u/s 6 & 8 of POCSO Act].

3. As per the prosecution case, on 1/03/2016 when the prosecutrix went out to answer call of nature, at that time Ravikant Khande caught hold of her alongwith Amit Khande and gagged her mouth and thereafter tied her mouth with the help of scarf and took her behind the Roshan Goyal shop. Subsequently, they were joined by Sanjay Singh Khande. Thereafter, Ravikant Khande committed sexual intercourse followed by Amit Khande and while incident was happening they were guarded by brother of Ravikant Khande i.e. Sanjay Singh Khande. Subsequently, three of the accused took the prosecutrix to bathroom and locked her. She was recovered subsequently.

4. Learned counsel for the applicants submits that the prosecutrix has been examined in this case and she has not supported the case of the prosecution, therefore the applicants may be released on bail.

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

6. Perused the statement of the prosecutrix as also written report made by the prosecutrix wherein allegation of rape has been stated. Considering the same, it would not be proper for this court to evaluate the entire evidence at this stage and to give finding about the happening of the incident. It is for the trial court to decide the same. Considering the submission and the admission of the report made, this court is not inclined to release the applicants on bail.

7. Accordingly, the bail applications are dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

