

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8064 of 2016

1. Durgesh Kumar @ Rinku S/o Lakhan Lal Aged About 24 Years Caste- Harijan, R/o Village Satpata, Police Station Bishrampur, District Surajpur, Chhattisgarh.
2. Jagga Ram Yadav @ J.D. S/o Shriram Yadav Aged About 19 Years Caste Ahir, R/o Village Satpata, Police Station Bishrampur, District Surajpur, Chhattisgarh.
3. Chandar Chaudhary S/o Anand Ram Aged About 19 Years Caste- Harijan, R/o Village Satpata, Police Station Bishrampur, District Surajpur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station House Officer, Police Station Bishrampur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicants	:	Shri V.K. Pandey, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/12/2016

Heard.

1. The applicants have been arrested in connection with Crime No. 155 of 2015 registered in Police Station- Bishrampur, District- Surajpur (C.G.) for the alleged commission of offence under Sections 341, 506-II, 376-D, 376 (2) (अ) IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicants kidnapped the prosecutrix, a minor in age, and committed rape on her.
3. Learned counsel for the applicants submits that the applicants are innocent persons and they have been falsely implicated by the police. It is submitted that the falsity of test identification parade and report is exposed from the statement

of the prosecutrix recorded in the Court wherein she has not supported the case of the prosecution against the present applicants and she has not even recognized the applicants in the dock during trial. Therefore, in these circumstances, when most important witnesses of the prosecution have been examined, the applicants may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that the case of the prosecution is based on the FIR, statement under Section 161 Cr.P.C. and test identification parade, records of which show that the prosecutrix had identified all the applicants.
5. In the present case, the prosecutrix has already been examined. Therefore, taking into consideration the submission of learned counsel for the applicants that the prosecutrix had not supported the case of the prosecution against three applicants and she has not made any allegation against these applicants nor has identified them in the Court and that there is no allegation of applicants having tampered with prosecution witnesses, the applicants deserve to be and are granted bail.
6. The application is accordingly allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge