

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6671 of 2016**

1. Raju Ram Yadav S/o Shankar Yadav Aged About 42 Years R/o Village Harampara, Geedam, Police Station Dantewada, District Dantewada, Chhattisgarh.
2. Laxminath Nag @ Bori S/o Late Jaldev Aged About 37 Years R/o Village Harampara, Geedam, Police Station Dantewada, District Dantewada, Chhattisgarh.
3. Akash Mourya S/o Kurso Mourya Aged About 20 Years R/o Village Harampara, Geedam, Police Station Dantewada, District Dantewada, Chhattisgarh.

---- Petitioners**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Geedam, District Dantewada, Chhattisgarh.

---- Respondent

For Petitioners	:	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/10/2016**

Heard.

2. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.54/2016 registered at Police Station Geedam, District Dantewada for the offence punishable under Section 376, 376(d)/34, 363, 366(a)/34 & 342/34, 306/34 of IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012. The applicants have been arrested on 26-05-2016.

3. Case of the prosecution is that the applicants kidnapped the prosecutrix and at that time, she was minor and thereafter, it is alleged that rape was committed on her.

4. Learned counsel for applicants submits that in the present case, investigation is complete, charge sheet has been filed and the trial is at advanced stage, where all the material witnesses including the prosecutrix have been examined and none of them have supported the case of the prosecution. Therefore, in these circumstances, learned counsel for the applicants prayed that the applicants may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the applicants are charged with commission of grave offence, therefore, if they are released on bail, the trial may be adversely affected.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the material witnesses including the prosecutrix, who have not supported the case of the prosecution of either she having kidnapped or subjected to rape by the applicants, the application is allowed.

7. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court. They shall appear before the trial Court regularly on each and every date, unless exempted.

Sd/-

(**Manindra Mohan Shrivastava**)

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