

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1365 OF 2016**

Hemdas Dhritlahre S/o Balram, aged about 19 years, R/o Village Khairghat, Police Station Simga, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police of Police Station Simga, District Baloda Bazar Bhatapara (C.G.)

---Non-applicant**And****M.Cr.C. No. 1753 OF 2016**

Bhagwat Bandhe S/o Gajratan, aged about 22 years, R/o Village Khairghat, Police Station Simga, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police of Police Station Simga, district Baloda Bazar Bhatapara (C.G.)

---Non-applicant

For Applicants	: Shri Anil Gulati, Advocate
For Non-applicant	: Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/03/2016**

1. Above mentioned two bail applications arise out of a common Crime No. 411/2015, registered at Police Station Simga District Baloda Bazar Bhatapara (C.G.), for the offence punishable under Sections 363, 366, 376, 506-B r/w 34 of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that, applicants kidnapped the major prosecutrix and committed sexual intercourse with her and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that prosecutrix is major and consenting party, as such, she stayed with the applicants

from 03/10/2015 to 15/11/2015. He would further submit that FIR has been lodged on 17/12/2015. He would further submit that there is no allegation of rape against the present applicants. He would lastly submit that charge sheet has been filed and applicants are in jail since 17/12/2015, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case and further taking into consideration the nature and gravity of offence, role of the applicants, extent of delay in lodging the FIR; age of the prosecutrix and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail applications (M.Cr.C. Nos. 1365/2016 & 1753/2016) filed under Section 439 of the Code of Criminal Procedure are allowed.

8. It is directed that applicants namely, Hemdas Dhritlahre and Bhagwat Bandhe shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari