

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7022 of 2015

1. Baleshwar Ram S/o Rambilas, Aged About 21 Years,
Occupation Laborer R/o Village Khamhartoli P.S. & Tah. -
Batouli Distt. Surguja Chhattisgarh
 2. Fakudas S/o Sakurandas, Aged About 33 Years, Cast Panika
R/o Village Khamhartoli P.S. & Tah. - Batouli Distt. - Surguja
Chhattisgarh
- Petitioners**

Versus

- State of Chhattisgarh Through : Police Station - Ajk Ambikapur
Distt.- Surguja Chhattisgarh
- Respondent**

For the applicant	:	Mr. Vivek Pandey, Advocate.
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicants in connection with Crime No.17 of 2015 registered at Police station AJK, Ambikapur, Distt. Surguja (C.G) for the offences punishable under sections 376, 323, 34 IPC and Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, on 10.11.2015 while the prosecutrix was alone in her house, the applicants entered into the house of prosecutrix and after administering liquor, they took her away and thereafter committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicants have been falsely implicated in this case and before the court below the prosecutrix has stated that no incident of rape was committed by the applicants, for which, an affidavit was also

filed.

4. Per contra, learned State Counsel opposes the prayer for grant of bail. Learned State counsel was directed to verify the contents of the affidavit. He again prays for time to verify the same.
5. Perused the affidavit as also the application filed before the Court below, copies of which are annexed to this bail application.
6. After perusal of the statement and affidavit wherein the prosecutrix has diluted the entire allegations of rape and considering the fact that the State has failed to verify the affidavit/application filed by the prosecutrix before trial Court without, any observation on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, this bail petition is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court. They shall also appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**