

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6961 of 2016

1. Ravilal Bhoi S/o Shri Munu Bhoi, Aged About 50 Years R/o Village Tilakpur, Thana - Basna, Civil & Revenue District Mahasamund Chhattisgarh
2. Santosh Vishwakarma, S/o Kunjram Vishwakarma, Aged About 26 Years R/o Village Tilakpur, Thana - Basna, Civil & Revenue District Mahasamund Chhattisgarh
3. Bilas Choudhary, S/o Shri Kunjbihari Choudhary, Aged About 35 Years R/o Village Tilakpur, Thana - Basna, Civil & Revenue District Mahasamund Chhattisgarh

---- **Petitioners**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, Civil & Revenue District Mahasamund Chhattisgarh

---- **Respondent**

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 23-6-2016 in connection with Crime No. 156 of 2016, registered at Police Station Basna, District Mahasamund (CG) for the offence punishable under Section 376(D) of the IPC.
2. Case of the prosecution, in brief, is that on 21-06-2016 a report was made by the prosecutrix that she was in love relation with one Hemsagar and on the pretext of marriage he along with her went to Jammu & Kashmir where they stayed about one month and thereafter they came back to Bilaspur. They went to Notary and while they were coming back from Notary,

present applicants committed forcible intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case and prosecutrix has been examined in this case she has not supported the prosecution case. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 23-6-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of the prosecutrix. Prima facie, it shows that the prosecutrix has not supported prosecution case.
7. Taking into consideration the facts and circumstances of the case, considering the nature of allegations leveled against the applicant and further considering the statement of the prosecutrix, without further observation on merits of the case and considering the fact that the applicants are in jail since 23-6-2016, this court is inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju