

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7097 of 2016

1. Pramendra Gangasagar S/o Late Baliram Gangasagar Aged About 25 Years R/o Jepra, Tahsil Charama, District Kanker, Chhattisgarh.
2. Jitendra Kumar Saabe S/o Shri Tularam Saabe Aged About 23 Years R/o Jepra, Tehsil Charama, District Kanker. Civil & Revenue District Uttar Bastar Kanker, Chhattisgarh. --- **Applicants**

Versus

- State of Chhattisgarh Through The Station House Officer Police Station Narharpur (Police Outpost- Halba) District Kanker, Chhattisgarh. --- **Respondent**

For the applicants	:	Mr. Sandeep Shrivastava Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 130/2016 registered at P.S. Narharpur (Police Out-post Halba), Distt. Kanker (C.G) for the offence punishable under Sections 376(2)(g) & 506/34 IPC.
2. As per the prosecution case, on 27.7.2016 a report was filed against the present applicants and another accused Ramnarayan that prior to two years of the filing of the report all the accused/applicants have committed forcible rape with the prosecutrix on the date of Holi festival day when she went to take bath in the pond and it is also stated that she was in love with accused Ramnarayan who on the pretext of marriage has committed further intercourse with her.
3. Learned counsel for the applicants would submit that the

incident is alleged to have taken place two years back when the girl became pregnant and the names of present applicants have been falsely implicated and nothing is on record to show that what restrained the prosecutrix from lodging the report for two years. He further went through the statement of one Mukund Patel and would submit that according to his statement only the name of Ramnarayan was mentioned by the prosecutrix and subsequently the applicants have been inculpated.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement victim as also the statement of witness Uttam Patel. The alleged incident is said to have taken place prior to two years of the filing of the report.
6. Considering the delay in lodging the FIR and looking to the statement of the victim as also the fact that the charge sheet in this case has been filed and the applicants are in jail since 31.08.2016, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**