

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8142 of 2016

1. Lekhram Pal, S/o. Narsingh Pal, Aged About 25 Years.
2. Hemlal, S/o. Arjun Pal, Aged About 27 Years.

Both R/o. Village- Sonpuri, Police Station City Kotwali Balodabazar,
District - Balodabazar – Bhatapara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through : Police Station – Balodabazar,
District Balodabazar – Bhatapara, Chhattisgarh

---- Respondent

For Applicants : Mr. Sumit Jhanwar, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2016

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 in connection with Crime No.343/2016 registered at Police Station- City Kotwali Balodabazar, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 376 (घ) of Indian Penal Code.
2. As per the prosecution case, on 18.08.2016, the prosecutrix was coming along with her friends after answering the call of nature, at that time, the applicant along with other co-accused persons met her and thereafter prosecutrix asked her friends to go home and advised that she will be coming after talking to the applicants and other co-accused persons and thereafter present applicants and other co-accused persons took the prosecutrix to the field and

committed sexual intercourse with her and thereby the aforesaid offence has been committed.

3. Learned counsel for the applicants would submit that the similarly placed co-accused Dinupaal has been enlarged on bail by this Court on 29.11.2016 in MCRC No. 7463 of 2016 and the case of the present applicants is similar, therefore, they may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the other similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and further considering the fact that the similarly placed co-accused has been enlarged on bail, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge