

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 423 of 2017**

Devendra Choudhary S/o Khemraj Choudhary Aged About 23 Years  
R/o Village Brahmanpuri , Police Station Basna, Tehsil Pithora,  
District Mahasamund, Chhattisgarh.

**----Applicant**

**Versus**

State Of Chhattisgarh Through Police Station Basna, District  
Mahasamund, Chhattisgarh.

**----Respondent**

**And**

**MCRC No. 906 of 2017**

Farid Ali S/o Shri Rasheed Ali, Aged About 25 Years R/o Village  
Pirda, Police Station Basna, Tahsil Pithaura, Civil & Revenue  
District Mahasamund Chhattisgarh

**---- Applicant**

**Versus**

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

**---- Respondent**

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For applicants - Shri Manoj Paranjpe and Shri Adil Minhaj, Advocate.  
For Respondent/State –Shri Avinash K. Mishra, PL.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**14/02/2017**

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No. 275/2016 registered in Police Station Basna, Civil and Revenue District Mahasamund (C.G.) for offence punishable under sections 376 (D), 506(B) of Indian Penal Code and Section 3(1)(5), 3(1)(12) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
3. As per the prosecution case, a report was made by the

prosecutrix on 14/10/2016 that on 11/10/2016 while she was coming back with her sister when they stopped near their house to answer call of nature, at that time the applicants who were in the car came there pushed the sister aside and forcefully took the prosecutrix in the car, took her away and thereafter committed gang rape. Subsequently, matter has been reported.

4. Learned counsels for the applicants submit that the applicants have been falsely implicated in the case, though the prosecutrix was accompanied with her sister and the prosecutrix and the sister were living alongwith their brother it was not reported to any of them. On 14/10/2016 the report was made, therefore it is completely improbable and the prosecutrix is aged about 36 years, thereby false allegations have been attributed. Therefore, learned counsels submit that the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the prosecutrix as also statement of sister of the prosecutrix under Sections 161 and 164 of Cr.P.C. Perusal of the statement would show that positive statement have been made and delay is explained stating that they were threatened that they have video graphed and if she raises objection it would be made viral and placed in WhatsApp. Taking into such statement, this court is not inclined to release the applicants on bail.

7. Accordingly, both the bail applications are dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

