

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 899 of 2017**

Shubham Namdev S/o Ravendra Namdev Aged About 20 Years,
Student R/o Village- Manki, Police Station Somni, Tahsil & District-
Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Somni, District- Rajnandgaon, Chhattisgarh

---- Respondent

And**MCRC No. 1090 Of 2017**

Ravindra Kumar S/o Sharman Lal Namdev, Aged About 45 Years R/o
Atal Awas, Manki, Tehsil And District Rajnandgaon Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through Police Station Somni, District
Rajnandgaon Chhattisgarh

---- Respondent

For applicant Shubham Namdev in MCRC No. 899/2017

Mr. Akhil Mishra, Adv.

For Applicant Ravindra Kumar in MCRC No. 1090/2017

Mr. H.S. Ahluwalia, Adv.

For Respondent/State

Mr. UKS Chandel, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/04/2017**

1. Heard finally.
2. By this common order, MCRC No. 899/2017 and MCRC No. 1090/2017 are being disposed of as applicants in both the MCRC have been arrested on 14-1-2017 in connection with Crime No. 8/2017 registered in PS Somni, Distt. Rajnandgaon CG for offence punishable under Section 363, 365, 366, 376, 506/34 of IPC. After investigation, charge sheet has been filed and the same is pending before the Judicial Magistrate First Class, Rajnandgaon, CG as Criminal Case No. 1054/2017.
3. Learned counsel for applicant Shubham Namdev submits that the

applicant is student aged about 20 years. There is no criminal antecedent of him. As per allegation he accompanied his father, the main accused and drove the vehicle. He is not involved in the offence under Section 376 of the IPC. Charge sheet is filed. Investigation is completed. He may be granted bail during trial.

4. Learned counsel for applicant Ravindra Kumar submits that the applicant is the veterinary doctor. The prosecutrix is aged about 33 years. She is also working in the same department though at a different place. In the entire charge sheet, ingredients of the offence registered are not proved. As per case of the present applicant, the prosecutrix and the applicant were in love affair. The prosecutrix accompanied the applicant on her own to different places. They wanted to marry and on the basis of missing report lodged by husband of the prosecutrix, they were caught hold in way and on the pressure of the husband, she falsely implicated the applicant. There are witnesses whose statements are recorded under Section 161 of the Cr.P.C. that the prosecutrix came on her own which goes to show that prima facie there is no material against the applicant. Hence it is prayed that the applicant may be enlarged on bail during trial.
5. Per contra, learned counsel appearing for the State opposes the arguments advanced on behalf of the applicants and submits that the ingredients surfaced in the written report of the prosecutrix go to show the conduct of both the applicants as when she reached to the office of the Deputy Director, both took her forcibly and also gave threat and she was taken in a hotel where applicant Shubham closed the door of the room and the other co-accused committed rape against her will and consent and prepared video clipping. There are material to demonstrate that both the accused persons are involved in the crime. Hence both the applications may be rejected.
6. Perused entire material.

7. On the basis of the evidence collected by the police and as charge sheet has been filed against both the applicants, the allegations and other facts which includes abduction with intent secretly and wrongfully to confine the person, I am not inclined to grant bail to any of the applicants.
8. Consequently, the bail applications filed by both the applicants are hereby dismissed.
9. Copy of this order be placed in the MCRC No. 1090/2017.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak