

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1667 of 2017

1. Pilaram Poyam S/o Sukhdas Poyam, Aged About 21 Years R/o Karanji Plotpara Kondagaon , Police Station, Kondagaon, Revenue & Civil District- Kondagaon, Chhattisgarh.
2. Tarachand Rathour, S/o Gopiram Rathour, Aged About 32 Years R/o Baykapadar Para Badebendari, Police Station, Kondagaon, Revenue & Civil District- Kondagaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through : The Police Station Kondagaon, District- Kondagaon, Chhattisgarh.

---- Respondent

Shri Pravin Tulsyan, counsel for the applicant/s.
Shri Aditya Sharma, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/03/2017

Heard.

The applicants have been arrested in connection with Crime No.66/2015 registered at Police Station – Kondagaon, District - Kondagaon (CG) for alleged commission of offences under Section 363, 376 (D), 34 and Section 109 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and under Section 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution is that the co-accused-Banshi committed rape on the prosecutrix and the applicants have been involved on the allegation that they are the associates of the co-accused – Banshi.

3. Learned counsel for the applicants submits that in view of the statement of the prosecutrix under Section 164 CrPC, in so far as the present applicants are

concerned, they are not involved in the alleged commission of offence, infact, they have been involved only on the allegation that they are the associates of Banshi. However, the prosecutrix has clearly stated that the present applicants have not committed any offence and it is only Banshi, who is involved in the alleged offence.

4. On the other hand, learned State counsel opposes bail application and submits that the very fact is that the applicants were also traveling in the vehicle in which the co-accused – Banshi taken away the prosecutrix, whereafter Banshi took the prosecutrix towards jungle and offence of rape was committed on her. Therefore, case is made out against the applicants.

5. Taking into consideration the submission of learned counsel for the parties, particularly the statement of the prosecutrix under Section 164 CrPC and that the allegation of commission of rape is only against Banshi and not against the applicants and that investigation is complete, charge sheet has been filed and they are not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge