

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1660 of 2017

- Vikky Viswas S/o Khitish Viswas Aged About 25 Years R/o Village Krishnagar (Kerwashila) Police Station Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, District Sarguja, Chhattisgarh.

---- **Respondent**

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MCRC No. 1663 of 2017

1. Vishnu Gupta S/o Shri Shiv Kumar Gupta, Aged About 22 Years R/o Village: Bhanwarmal, Police Station Ramanujganj, District Balrampur, Ramanujganj, Chhattisgarh.
2. Manjit Halder, S/o Manindra Halder, Aged About 31 Years R/o Village: Banda, Police Station Chalgali, District Balrampur, Ramanujganj, Chhattisgarh.

---- **Petitioners**

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station- Gandhinagar District- Sarguja, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Sushil Dubey, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-03-2017

1. Since both the aforesaid bail petitions arise out of same Crime No. 274 of 2016 they are heard analogously and are being disposed of by this common order.
2. These are first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 27-11-2016 in connection with Crime No.

274 of 2016, registered at Police Station Gandhinagar, District Sarguja (CG) for the offence punishable under Sections 376, 366, 506/34 of the IPC.

3. As per prosecution case, on 28-10-2016 a report was made by the prosecutrix that on 22-8-2016 when she was coming from College to her house along with her friend Pooja, at that time co-accused Dhiraj Biswas along with his friends came in car and offered prosecutrix and her friend to sit in the car but they refused. On being insisted prosecutrix along with her friend Pooja sat in the car and thereafter Pooja left near Pratappur Naka, Ambikapur and thereafter Dhiraj Biswas forcefully committed sexual intercourse with prosecutrix. Subsequently she was taken to her relative's house and thereafter admission of marriage took place before Notary and thereafter present applicants threatened the prosecutrix.
4. Learned counsel appearing for the applicants would submit that the the applicants have been falsely implicated in the case, the prosecutrix of her own eloped Dhiraj for marriage and thereafter they have performed marriage and the present applicants have not committed any offence. He would further submit that no allegation of rape is attributed to the applicants, charge-sheet has been filed in this case, the applicants are in jail since 27-11-2016 and no further investigation is required, therefore, they may be released on bail.
5. On the other hand, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel for the parties and have also perused the case diary and the documents.

7. Perused the statement of the prosecutrix recorded under Section 161 of the Cr.P.C.
8. Taking into consideration all the facts and circumstances of the case and further considering the statement of the prosecutrix, without further observation on the merits of the case, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju