

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1921 of 2017

1. Santosh @ Konda, S/o. Bharat Devar, Aged About 19 Years, Occupation Labour.
2. Billu, S/o. Devanand Devar, Aged About 21 Years, Occupation Labour.

Both are R/o. Devarpara, Kawardha, Civil & Revenue District Kabirdham, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/06/2017

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.36/2017 registered at Police Station- Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 376(2)(g) of Indian Penal Code.
2. As per the prosecution case, a report was made by the victim on 12.02.2017 that on 09.02.2017 when she went to the house of one Dhanwantin Bai Devar, she was subjected to forceful rape by the son of Dhanwantin Bai, Santosh @ Konda and another accused namely Billu.
3. Learned counsel for the applicants would submit that the statement under Section 164 of Cr.P.C. was recorded wherein no allegations have been attributed to the present applicants and the allegation is attributed to Dhanwantin Bai. He further submits that

as per Annexure A-2, on the same date, the victim was taken into custody and she was intoxicated and the medical report do not suggest any rape was committed. Therefore, the applicants may be released on bail as they have been falsely implicated.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the Annexure A-2, which shows that the victim was in custody of the police on 09.02.2017 and also the statement recorded under Section 164 of Cr.P.C. Considering the same, without any observation on merit, I am inclined to release the present 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)
V. Judge