

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3572 of 2017

- Yakub @ Hemant Das S/o Shri Arun Das, Aged About 29 Years (wrongly mentioned as Yakup @ Hemant Das in cause title of the impugned order Dtd. 02/05/2017) R/o Pratapgarh Sadak Para, Police Station Sitapur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Sitapur, District Sarguja, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Rishi Rahul Soni, Advocate.

For Non-applicant/State – Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 31-01-2017 in connection with Crime No.26/2017 registered at P.S. Sitapur, District Sarguja, C.G. for the offence under Section 341, 363, 343, 376-D, 506, 34 of the IPC and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case by the prosecutrix. Co-accused Santosh Kumar Soni has been granted bail by the coordinate Bench of this Court in MCRC No.2205/2017 by order dated 05-10-2017 and the applicant had similar case, because of which, he is entitled for grant of regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that this is a case of gang rape and for this reason alone, the applicant is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.
5. Facts of the case are these that on the date of incident the prosecutrix was on her way to village on her scooty when she met with the applicant in this case who asked her to give him lift. On her refusal, the applicant pulled out the key from her scooty, because of which, she agreed to give him lift. Later on, another co-accused Santosh Kumar Soni also joined them and the prosecutrix was taken to an isolated place in a brick kiln, and thereafter she was confined in a room for three days, where the applicant and the co-accused ravished her continuously for three days. After third day the prosecutrix finding an opportunity escaped and lodged the FIR in the concerned police station. Presently the trial against the applicant is in progress.
6. Considering this fact that the co-accused in this case has been granted bail by the coordinate Bench of this Court and no different case is made out on the part of the applicant in this case, hence, only for this reason, this application (MCRC No. 3572/2017) is hereby allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge