

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3683 of 2017

1. Mohd. Riyajuddin @ Raju, S/o. Mohd. Nasru, Aged About 37 Years, R/o. Idgah Bhata Gali No. 07, Police Station - Azad Chowk, Raipur, Chhattisgarh.
2. Mohd. Farookh, S/o. Mohd. Saleem, Aged About 37 Years, R/o. Near Amjad Ghar, Idgah Bhata Gali No. 07, Police Station - Azad Chowk, Raipur, Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - Azad Chowk, Raipur, District - Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mrs. Fouzia Mirza, Advocate

For Respondent/State : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/06/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.69/2017, registered at Police Station – Azad Chowk, Raipur, District – Raipur (C.G.) for the offence punishable under Section 376 (2) (g), 450, 506 of the Indian Penal Code.
2. As per the case of the prosecution, in brief, is that on 13.03.2017 the applicants entered into the house of the prosecutrix and committed forceful rape. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the prosecutrix in this case has been examined before the Court below and she has not supported the case of the prosecution and in statement under Section 164 of Cr.P.C. she has not stated earlier about the happening of the incident and because of some monetary transaction, the false

allegation have been leveled against the applicants. The counsel referred to the statement of the prosecutrix, which is filed as Annexure A/3 along with this bail petition and prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that the prosecutrix in this case has been examined before the Court below and she has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix. Taking into the statement of the prosecutrix, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge