

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2068 of 2017

1. Shafique Mohammad S/o Mohd. Mustafa, Aged About 46 Years R/o Krishna Nagar, Supela, Ekta Dwar, Bhilai, District Durg, Chhattisgarh.
2. Abdul Mazid, S/o Mohd. Mustafa, Aged About 40 Years R/o Krishna Nagar, Supela, Ekta Dwar, Bhilai, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Supela, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Purnendra Khichariya, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/04/2017

Heard.

2. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.639/2012 registered at Police Station Supela, Bhilai, District Durg for the offence punishable under Section 376(2)(g)/34 of IPC. The applicants have been arrested on 04-09-2016.

3. Case of the prosecution is that the applicants committed rape on the prosecutrix.

4. Learned counsel for applicant submits that in the present case, the applicants have been falsely implicated because of the property dispute amongst the family members and the prosecutrix has been examined in the Court, where she has deposed that no offence was committed by the applicants on her. It is also submitted that on account of advice given to the prosecutrix by

certain person to win the civil dispute, this kind of report has been prepared and submitted in the Police Station. It is lastly submitted that at this stage, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the applicant is facing trial for commission of serious offence, therefore, he is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicants that the prosecutrix has been examined before the trial Court and she has not supported the prosecution case and turned hostile and the fact that the applicants are in jail since 04-09-2016 and further that the applicants are not likely to abscond or tamper with the prosecution witnesses, the application is allowed.

7. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E