

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2341 of 2017

1. Phool Das, S/o. Bhikam Gada, Aged About 19 Years, R/o. Village- Jabkasa, Police Station- Khandgaon, District- Rajnandgaon, Chhattisgarh.
2. Basant, S/o. Teejauram, Aged About 19 Years, R/o. Village Jabkasa, Police Station- Khandgaon, District- Rajnandgaon, Chhattisgarh.
3. Govind, S/o. Sardar Singh, Aged About 19 Years, R/o. Village Boria, District- Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Manpur, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants : Mr. H.S.Ahluwalia, Advocate

For Respondent : Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.04.2017

1. This is the second 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.51/2016 registered at Police Station- Manpur, District Rajnandgaon (C.G.) for the offence punishable under Sections 376(g), 394, 450 & 506 of Indian Penal Code. The first bail application was dismissed on merit on 10.01.2017 in MCRC No. 7786 of 2016.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 02.10.2016 that on 01.10.2016 the applicants entered into her house while she was alone and having enquired

as to why they have come, they stated that they have come to commit theft and thereafter she was subjected to rape by the present applicants.

3. Learned counsel for the applicants would submit that the first bail application was dismissed on merit on 10.01.2017. Subsequently, the prosecutrix has been examined on 16.03.2017 and she has not supported the case of the prosecution and the entire allegation of rape has been denied. It is specifically denied that the applicants have committed forceful rape; therefore, the present applicants may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix has been examined and she has not supported the case of the prosecution.
5. Perused the statement of the prosecutrix, which appears that she has not supported the case of the prosecution. Considering the same, without any observation on merit, I am inclined to release the 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)
Judge