

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5873 of 2017**

Banti Singh S/o Subhash Singh Aged About 27 Years Occupation -
Labourer R/o Labour Colony Jutmil Raigarh Tahsil & District Raigarh
Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
City Kotwali Raigarh District Raigarh Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri Amiyakant Tiwari, Advocate.
For the Respondent/State	:	Shri Neeraj Jain, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.10.2017**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.274 of 2017, registered at Police Station – City Kotwali, District – Raigarh, Chhattisgarh for the offence punishable under Sections 376(2)(g), 342, 365, 394, 323 and 506 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant is in jail since 24.5.2017 and he has been falsely implicated in this case without there being any evidence against him. The prosecutrix of the case has not made any specific statement against the applicant, hence, the applicant may be

enlarged on bail. He further submits that one of the co-accused – Durgesh Sahu has been enlarged on bail on 18.5.2017, hence, the applicant is also entitled for grant of bail.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that in Test Identification Parade applicant – Banti Singh has been identified by the complainant as one of the accused persons in company of the main accused persons Rajesh and Samar who allegedly have gang-raped the prosecutrix, hence, the applicant is not entitled for bail.

5. Heard counsel for both the parties and perused the case diary.

6. As per the contents of the case diary, the complainant/ prosecutrix arrived on 18.5.2017 by train to Raigarh at 8:30 pm when she was forcefully abducted by 5 to 6 unknown persons and taken to a place on Bolero vehicle. Two persons, namely, Rajesh and Samar raped the complainant and looted the articles cash and other things from her possession and also threatened her with dire consequences. After lodging of FIR, TIP has been conducted in which the applicant has been identified as one of the person, present at the time of the incident. Looking to the facts and circumstances of the case and the contents of the statement recorded under Sections 161 and 164 of the Cr.P.C., without further commenting anything on merits, this Court is of the opinion that the present is a fit case where the applicant is entitled to be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

SD/-

(Rajendra Chandra Singh Samant)
Judge