

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 107 of 2018**

Sushil Kumar Kori S/o Sitaram Kori, Aged About 23 Years R/o Village Kashinagar, Out Post Rampur, Police Station Kotwali Korba, Tahsil And District Korba Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Out Post Rampur District Korba Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 518 Of 2018**

Ashif Shams S/o Noor Alam Aged About 25 Years R/o Near Noori Maszid, Kashi Nagar, P. S. Rampur, District Korba Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer Police Station Rampur District Korba Chhattisgarh.

---- Respondent

For the Applicants : Shri Dharmesh Shrivastava and Shri Rohit Sharma, Advocates.

For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.03.2018**

1. Both these applications are decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants 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.502 of 2017, registered at Police Station Kotwali, Outpost - Rampur, District – Korba, Chhattisgarh for the offence punishable under Sections 363, 366A, 368 and 376/ 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 22.8.2017 and they have been falsely implicated in these cases. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. It is also submitted that one of the co-accused – Santosh Chandra @ Chotu has been granted bail by Co-ordinate Bench of this Court in M.Cr.C. No. 7028 of 2017 by order dated 13.12.2017. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the age of the prosecutrix was merely 13 years on the date of incident and there is clear evidence that these applicants assisted and abetted in the commission of crime. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

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

5. The minor prosecutrix aged about 13 years was abducted by main accused – Ajay Rajput and she was raped later on. The allegation against these applicants is this that both of them accompanied the main accused and the prosecutrix while they were travelling to Delhi till the main accused and the prosecutrix found shelter in the house of aunt of applicant – Sushil Kumar Kori, before the prosecutrix was recovered by the police.

6. Considering the nature of allegation against these applicants and also taking into consideration the fact that similarly placed co-accused person – Santosh Chandra @ Chotu has been granted regular bail by the Co-ordinate Bench of this Court, I am of the considered view that in these cases the applicants deserve to be enlarged on bail.

7. It is directed that the applicants in both the cases shall be released on bail on each of them 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge