

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 170 of 2018

1. Binduram Sahu S/o Shri Shiv Balak Sahu, Aged About 45 Years R/o. Village Fandwani, Thana And Tahsil Mungeli, Civil And Revenue Distt. Mungeli Chhattisgarh, Chhattisgarh
 2. Yogendra Sahu S/o Shri Binduram Sahu, Aged About 25 Years R/o. Village Fandwani, Thana And Tahsil Mungeli, Civil And Revenue Distt. Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh
- Applicants**

Versus

State Of Chhattisgarh Through, Station House Officer, Police Station- Mungeli, Civil And Revenue Distt. Mungeli Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/03/2018

Heard.

1. The applicants have been arrested in connection with Crime No.556 of 2017 registered at Police Station- Mungeli, District Mungeli (CG) for the alleged commission of offence under Section 376, 506 of IPC & Section 3 (1) (XII) of Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act.
2. Case of the prosecution is that the co-accused Rajendra Sahu committed rape on the prosecutrix and the allegation against the applicants is that they being father and the brother of the co-accused Rajendra Sahu threatened the prosecutrix.
3. Learned counsel for the applicants would submit that what has been stated by the prosecutrix in her statement under Section 164 Cr.P.C. before the Magistrate clearly shows that the present applicants had no role to play in the alleged commission of offence of rape under Section 376 of IPC and they have been involved in the present case only later on, when there was an allegation made by the prosecutrix that the present applicants have threatened the prosecutrix to withdraw the case and later on, offered money

also.

4. On the other hand, learned State counsel opposes the bail application.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the allegation of commission of offence of rape is against the co-accused Rajendra Sahu and till that time, the applicants were not in the picture and they are in jail since 13.12.2017, investigation is complete, charge-sheet has been filed and there is no material to show that the applicants are likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge