

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 178 of 2018

1. Parmanand Rajwade, S/o. Shobhnath Rajwade, Aged About 30 Years.
2. Jeet Kumar, S/o. Dhani Ram Rajwade, Aged About 24 Years.

Both the Applicants are Rajwar by Caste and R/o. Village & Post- Ledua, P.S. & Tehsil- Ramanujnagar, Revenue & Civil District Surajpur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Ramanujnagar, Revenue & Civil District Surajpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Surfaraj Khan, Advocate

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.03.2018

1. This is the first 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.74/2017 registered at Police Station- Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Section 392, 366 & 376D of Indian Penal Code.
2. Case of the prosecution, in brief, is that FIR was lodged by the prosecutrix on 25.04.2017 that when she went out from her house, she came in contact with the applicants who take her in a village namely Patrapali and committed rape for 7 days and thereafter looted an amount of Rs.20,000/- and mangalsutra & ear-rings. Thereby, the offence has been committed.
3. Learned counsel for the applicants submits that prior to this incident one incident happened on 26.02.2017 wherein a missing report was lodged by the husband of the prosecutrix as she stayed

alongwith the applicants and when she was recovered on 06.03.2017 her statement was recorded wherein no allegations have been made against the applicants. Subsequently, in order to restore their prestige in the society, the false allegations have been made; therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix and also the statement which is placed on record of the prosecutrix recorded on 06.03.2017. Considering her statement and the recovery panchnama on 06.03.2017 and taking into the nature of allegation and age of the prosecutrix, 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