

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 175 of 2018

Babu Lal S/o Mehi Lal, Aged About 25 Years Caste Gond, R/o. Village Pondi,
P. S. Janakpur, District Koriya Chhattisgarh, Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Janakpur, District Koriya Chhattisgarh, Chhattisgarh ---- **Respondent**

For Applicant	:	Shri C.K. Kesharwani, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

And

MCRC No. 401 of 2018

Fulbai W/o Ram Singh, Aged About 45 Years R/o Village Podi, Police Station
Janakpur District Korea Chhattisgarh , Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Janakpur District Korea Chhattisgarh , Chhattisgarh --**Respondent**

For Applicant	:	Shri Anil Gulati, 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. Both the applications are being disposed off by this common order as they arise out of the same crime number.
2. The applicant-**Babu Lal** in M.Cr.C. No.175 of 2018 has been arrested in connection with Crime No.86 of 2017 registered at Police Station- Janakpur, District Koriya (CG) for the alleged commission of offence under Section 363, 366, 376(d), 454, 370, 376 (A)/34 of IPC and Section 4,5,6,9 & 10 of the POCSO Act.
3. The applicant-**Fulbai** in M.Cr.C. No.401 of 2018 has been arrested in connection with Crime No.86 of 2017 registered at Police Station- Janakpur, District

Koriya (CG) for the alleged commission of offence under Section 376 Read with Section 34 of IPC .

4. Case of the prosecution is that the prosecutrix was taken on vehicle by one accused Bholu and thereafter she was taken inside jungle and whereafter she was subjected to rape by Sandeepan.

5. Learned counsel for the respective applicants Fulbai and Babu Lal would submit that in so far as present applicants are concerned, they have not been alleged to play any role in the entire incident. Even according to the prosecutrix's statement under Section 164 Cr.P.C. she was taken on vehicle by Bholu and thereafter rape was committed in jungle by Sandeepan, therefore, at this stage, when the investigation is complete, charge-sheet has been filed, the applicants may be granted bail.

6. On the other hand, learned counsel for the State opposes and submits that the manner in which the prosecutrix was first approached by Fulbai and later on, Fulbai did not come and Bholu came and Bholu took the prosecutrix saying that he would be taking him to Fulbai but he was taken to a place where Sandeepan was standing and Babulal was also there and then she was taken to jungle where rape was committed on her, present applicants are also involved with the other accused.

7. Taking into consideration the submission of learned counsel for the parties, statement of the prosecutrix under Section 164 Cr.P.C. and that the allegation of taking prosecutrix are on Bholu and commission of offence of rape against Sandeepan, I am inclined to grant bail to the aforesaid two applicants, accordingly both bail applications are allowed.

8. It is directed that the respective applicants namely **Babu Lal and Fulbai** 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge