

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 696 of 2018**

Neeraj Sahu S/o Shri Sonu Sahu Aged About 25 Years R/o Village Khairat
Thana Komakhan, Tahsil Baghbahra, District Mahasamund Chhattisgarh,
District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Mahasamund District
Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 503 of 2018**

Smt. Rani Ravidasi Chandeliya W/o Shri Jagdish Chandeliya, Aged About
44 Years R/o Village Tumgaon, Thana Tumgaon Civil And Revenue District
Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station
Mahasamund, Civil And Revenue District Mahasamund Chhattisgarh,
District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Sunil Sahu and Shri Kamal Kishore Patel, Advocates.
For the Respondent/State	:	Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.04.2018**

1. Both these applications are being decided by this common order as they arise from the similar matter. These are the first and second bail applications, respectively, 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.229 of 2017, registered at Police Station Mahasamund, District – Mahasamund, Chhattisgarh for the

offence punishable under Sections 376, 372 and 363 of the Indian Penal Code. The first bail application of applicant – Smt. Rani Ravidasi Chandeliya was dismissed as withdrawn on 14.11.2017 in M.Cr.C. No. 3600 of 2017.

2. Learned counsel for the applicants submit that applicant – Neeraj Sahu is in jail since 27.04.2017 and applicant – Smt. Rani Ravidasi Chandeliya is in jail since 28.4.2017 and they have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. After completion of investigation, the charge-sheet has been filed. The prosecutrix has been examined before the trial Court and she has not given any statement against these applicants, hence, now the circumstances have been changed in favour of these applicants. 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.

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

5. According to the prosecution case, one co-accused – Girja Bai called the prosecutrix to her house as domestic helper but thereafter, she called some unknown persons and at her instance those persons raped the prosecutrix in the jungle. The allegation against applicant – Rani Ravidasi Chandeliya is that she purchased the prosecutrix from co-accused – Girja Bai and pushed the prosecutrix in prostitution business. The allegation

against applicant – Neeraj Sahu is that he was one of the customer, who raped the prosecutrix.

6. Considering the submissions and the contents of the case diary, and also perusing the certified copy of the statement of the victim/ prosecutrix in this case in which she has made no statement against both these applicants, for which she has been declared hostile by the prosecution, I am of the considered opinion that these applications deserve to be allowed.

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/- in respect of each crime 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