

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. 710 of 2018

1. Rajgaurav Singh Alias Raja Thakur S/o Shri Omkar Singh
Aged About 19 Years R/o Old Irrigation Colony, Ward No. 18,
P.S. Janjgir District Janjgir Champa Civil And Revenue District
Janjgir Champa Chhattisgarh, District : Janjgir-Champa,
Chhattisgarh
2. Vijay Kumar Kashyap S/o Shri Ram Kumar Kashyap Aged
About 23 Years R/o Old Irrigation Colony, Ward No. 18, P.S.
Janjgir District Janjgir Champa Civil And Revenue District
Janjgir Champa Chhattisgarh, District : Janjgir-Champa,
Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Outpost Giraudpuri,
Police Station Gidhori Tundra, District Balodabazar Bhatapara
Chhattisgarh, District : Balodabazar-Bhathapara,
Chhattisgarh.

---- Respondent

For the Applicant : Ms. Supriya Upasne,
Advocate.

For the Respondent/State : Shri Ashok Swarnakar, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.02.2018

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. 238/2016, registered at Police Station – Gidhori, Out Post- Giraudpuri, District – Balodabazar, Bhatapara, (C.G), for the offences under Section 363, 366 (A), 376 of the Indian Penal Code and Section 8 of Protection of Children From Sexual Offences Act, 2012.
2. Learned counsel for the applicants submits, that the applicants have been falsely implicated in this case. They are in jail since 28.12.2017. The prosecutrix in her statement before the Police and before the JMFC, under Sections 161 & 164 of Cr.P.C., has not made any statement regarding commission of offence of rape, hence, no case is made out against the present applicants. It is prayed that the applicants are entitled for grant of bail.
3. Learned counsel for the State opposes the bail application and submission made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. Father of the prosecutrix submitted a written complaint against the present applicants that they have abducted his minor daughter. Later on the prosecutrix was recovered from the custody of her father.

6. Learned counsel for the applicants submits, that after completion of investigation the charge-sheet has been filed against the present applicants.
7. Considered on the material present in the case diary and perusal of the statement of the prosecutrix made under Sections 161 & 164 of Cr.P.C., I am of the view that it is a fit case where the applicants are entitled for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them 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 /-
(Rajendra Chandra Singh Samant)
Judge