

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 416 of 2018

- Ashish Yadav S/o Shivshanker Yadav, Aged About 21 Years, R/o Village Kothali, Police Station Shankergarh, District Balrampur, Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Shankergarh, District Balrampur-Ramanujganj, Chhattisgarh., Chhattisgarh

---- Non-applicant

MCRC No. 952 of 2018

- Lohar Singh (Wrongly Written As Lohaar) S/o Madho Singh Khairwar Aged About 20 Years, R/o Village Kothli, P.S. Shankargarh, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Shankargarh, District Balrampur Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sushil Dubey, Advocate (in MCRC No.416/2018),
Shri A.K. Prasad, Advocate (in MCRC No.952/2018).
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-03-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.66/2017, registered at P.S. Shankargarh District Balrampur Chhattisgarh, they are being decided by this common order.

2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court filed by the applicants for grant of regular bail. Applicant in MCRC No.416/2018 has been arrested on 20-09-2017 in connection with aforesaid crime number for the offence under Section 365, 366, 376, 115, 120B of the IPC and Section 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short the SC/ST Act'). Applicant in MCRC No.952/2018 has been arrested on 17-09-2017 in

connection with aforesaid crime number for the offence under Section 365, 366, 376, 115, 120B of the IPC and Section 3(2)(5) and Section 3(2)(V - Ka) the SC/ST Act.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The prosecutrix in this case has filed an affidavit before the Special Judge, Surguja stating that she has no objection if the bail is granted to the applicants. Applicant in MCRC No.416/2018 is in jail since 20-09-2017 and applicant in MCRC No.952/2018 is in jail since 17-09-2017. They are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that both the applicants may be released on bail.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Heard learned counsel for the parties and perused the case diary.

6. A report was called from the concerned P.S. regarding the affidavit submitted by the prosecutrix and a report has been received which is in support of the submission made by the applicants.

7. Considered on the submissions made and contents of the case diary.

8. The allegation against these applicants is this, that the applicants abducted the prosecutrix who is a member of Scheduled Tribes and thereafter applicant Ashish Yadav raped her. Hence, this case.

9. Considered on the material present in the case diary, also perused certified copy of the affidavit and also the report submitted by the State counsel. Considering over all the circumstances in this case, I am of this view that the applicants should be released on bail during pendency of the trial against them.

10. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. 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/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil