

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7946 of 2017

- Rajendra Kumar Kurre S/o Shivkumar, Aged About 19 Years R/o Village Riwa, Police Station Mandir Hasoud District Raipur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Newra Raipur, District Raipur Chhattisgarh , Chhattisgarh

---- Respondent

MCRC No. 23 of 2018

- Bhupendra Kotre S/o Dularu Ram Aged About 22 Years R/o Village Riwa, P. S. Mandir Hasaud, Raipur District Raipur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Newra Distt. Newara, Distt. Raipur Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants : Mrs. Smita Jha and Mr. C.R. Sahu,
Advocates.
For Respondent : Mr. N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/2/2018

1. Since both the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. These applications filed under Section 439 of Code of Criminal Procedure, 1973 are the first bail applications of the applicants who have been arrested in connection with Crime No.300/2017 registered

at Police Station Newra District Raipur(C.G.) for the offence punishable under Sections 363, 366, 376, 34 of the Indian Penal Code (for short 'IPC') and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out on the basis of the material present in the charge-sheet. It is further submitted that the prosecutrix did not support the prosecution case in the Court and turned hostile. Applicants are in jail since 28.8.2017. Hence, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. As per prosecution case, on 27.8.2017 the applicants had abducted the prosecutrix, a minor girl, from her lawful guardianship and thereafter the applicant concerned had developed physical relationship with her by giving false promise to marry her. A missing report was lodged in Police Thana Tilda. The prosecutrix was recovered on 28.8.2017. On the basis of statement given by the prosecutrix and on the basis of the information given by brother-in-law of the prosecutrix, FIR has been lodged against these applicants.
7. Considered the entire material present in the case diary and perused certified copy of the statement of the prosecutrix before the trial Court, wherein she did not support the prosecution case and turned hostile. In this situation, I am of this opinion that this is a fit case where applicants should be released on regular bail.

8. Accordingly, the bail applications of both the applicants filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each 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

Nisha