

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1266 of 2018

1. Kashi Ram Rajwade And Anr. S/o Chandul Ram Rajwade Aged About 47 Years Caste-Rajwar, Occupation-Agriculture, R/o Village- Barbaspur, P.S. And Tahsil- Ramanujnagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh
2. Geeta Prasad Rajwade S/o Devdas Rajwade Aged About 41 Years Caste-Rajwar, Occupation-Agriculture, R/o Village- Barbaspur, P.S. And Tahsil- Ramanujnagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through- P.S. Ramanujnagar, District- Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. A.K. Prasad, Advocate.
For Respondent/State	:	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/04/2018

1. This is the first bail application 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.230/2017, registered at Police Station- Ramanujnagar, District – Surajpur(C.G.) for the offence punishable under Sections 357, 376(d) of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case. In fact the applicant No.1 was invited for dinner in the house of the prosecutrix on 1.11.2017 and as

the husband of prosecutrix had suspicion that this applicant and his wife were having some illicit relationship, he along with his wife assaulted the applicant No.1 with clubs and axe and caused injuries to him. The applicant No.1 was immediately admitted into the hospital at Ramanujnagar. On 4.11.2017 wife of this applicant lodged FIR against the prosecutrix and her husband, on that basis the offence under Section 307 of IPC was registered against both of them, thereafter in a premeditated manner this FIR has been lodged against these applicants on 7.11.2017. Hence, it is totally concocted case as a counter blasts the FIR lodged by the wife of this applicant. The prosecutrix and her husband are still in jail and charge-sheet has been filed against them. Applicants are ready to abide by all the conditions and direction, which may be imposed while granting bail to them. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. According to the statement given by prosecutrix under Section 161 & 164 of CrPC, no case is made out for grant of bail to the applicants.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, on 1.11.2017 between 11-12 pm in the night these applicants committed lurking house trace-pass in the house of the prosecutrix and when finding the husband of prosecutrix awake they tied him with a cot and both of them committed gang rape with the prosecutrix. In between somehow husband of prosecutrix rescued himself from the bonds and then he assaulted these applicant No.1 whereas the appellant No.2 Geeta ran away from the spot thereafter the FIR was lodged on 7.11.2017.

6. Considered on the entire material present in the case diary and also perused the documents filed along with this application the copy of the charge-sheet filed against the prosecutrix and her husband is on record and it shows that the applicant No.1 Kashi Ram Rajwade was admitted to the hospital for treatment of his injuries from 1.11.2017 at about 11.10 pm in the night and the time so mentioned the time of incident mentioned in this case, hence, without going on merits, I am of this view that this is a fit case where applicants should be released on regular bail.
7. 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 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 Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha