

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1206 of 2018

- Kishore Upadhyay S/o Shri Devnarayan Upadhyay Aged About 37 Years R/o.- Durga Nagar Beergaon, P.S.- Urla Raipur District- Raipur (C.G.), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Khamtarai, Raipur, District- Raipur (C.G.), District : Raipur, Chhattisgarh

---- Respondent

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MCRC No. 5061 of 2018

1. Laxmi Narayan Tripathi @ Rahul @ Chotu And Anr. S/o Shri Kamal Narayan Tripathi Aged About 21 Years R/o Village Oren, P. S. Besanda, District Banda U. P. At Present R/o Near Urkura Pani Tanki P. S. Khamtraie, Raipur District (Revenue And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Vinod @Kallu Patel S/o Devendra Singh Aged About 28 Years R/o Village Luchki, Post Gadha, 138, Tahsil Tevthar, P. S. Jawa, District Renwa M. P. At Present R/o Transport Nagar Ravanbhata, P. S. Khamtraie, Raipur District (Revenue And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, P. S. Khamtraie, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Mr. C.R. Sahu, Advocate in MCRC No.1206/2018.
Mr. Yogesh Pandey, Advocate in MCRC
No.061/2018.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both the applications are applicant's 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.344/2017, registered at Police Station – Khamtarie, Raipur District– Raipur(C.G.) for the offence punishable under Sections 376(d) of IPC
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 9.07.2017. The prosecutrix has been examined before the trial Court, in which, she has stated that these applicants have not committed any offence with her and apart from that her age is 21 years. No case is made out against these applicants, hence, it is prayed that they may be released on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, on the date of incident when the prosecutrix was waiting for transport in the evening at about 6.30 p.m.

she was forced to board auto by applicant Laxmi Narayan Tripathi and she was taken to a place where all these applicants and 2 others committed gang rape with her.

7. Considered on the entire material present in the case diary and also perused the certified copy of the deposition of prosecutrix before the trial Court in which she has not supported the prosecution case. After due consideration, I feel inclined that applicant should be granted regular bail during the pendency of the trial against them.
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 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