

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1589 of 2018**

Manoj Wadekar S/o Suresh Wadekar Aged About 24 Years R/o- Village Devrikhurd, Police Station Torva, District- Bilaspur, Chhattisgarh..

---- Applicant**Versus**

State Of Chhattisgarh Through- The Police Station Torva Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3042 of 2018**

Feku @ Nageshwar Rajak S/o Umend Gond Aged About 24 Years R/o Devrikhurd, Police Station Torva, District Bilaspur Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through SHO, Police Station Torva, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Sumit Shrivastava and Shri Vaibhav A. Goverdhan, Advocates.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.05.2018**

1. Both these applications are being decided by this common order as they arise from the similar matter. These are the first bail applications of the applicants 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.56 of 2017, registered at Police Station Torva, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under

Sections 376(D)/ 34 of the Indian Penal Code and Sections 3(A), 4, 5(E) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submit that applicant – Manoj Wadekar in M.Cr.C. No. 1589 of 2018 is in jail since 23.3.2017 and applicant Feku @ Nageshwar Rajak in M.Cr.C. No. 3042 of 2018 is in jail since 20.2.2017 and they have been falsely implicated in these cases. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecutrix was a minor girl aged about 13 years. One of the accused – Charan Singh Chauhan committed rape with the minor prosecutrix and prepared a video clip. Thereafter, after putting the prosecutrix under threat he continued to exploit her sexually. On the date of incident, it is alleged that the main accused and both these applicants committed gang rape with the prosecutrix. Subsequent to which, the offence has been registered against the applicants and others.

6. After due consideration of the material present in the case-diary and the evidence of the witnesses in this case, I am of the considered view

that the applicants in both the cases are not entitled for grant of regular bail.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge