

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6913 of 2017

1. Santosh Singh S/o Vachan Singh, Aged About 50 Years, R/o Village Baras, P. S. Nisang, Distt. Karnal Haryana.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Baloda-Bazar-Bhatapara Chhattisgarh.

---- Non-applicant

And

MCRC No. 7285 Of 2017

1. Sandeep Singh S/o Jaggi Singh, Aged About 24 Years, R/o Village Gumbal, Police Station Pihowa, Civil And Revenue District Kuruchhetra (Haryana State)

---- Applicant

Vs

1. State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, Civil And Revenue District Baloda Bazar-Bhatapara Chhattisgarh

---- Non-applicant

And

MCRC No. 7187 Of 2017

1. Vikas Lohat S/o Rajveer Lohat, Aged About 21 Years, R/o Village Gorakhpur, Police Station Gunna, Civil And Revenue District Fatehpur (Haryana State)
2. Harvinder Singh S/o Bagshin Singh, Aged About 25 Years, R/o Village Galeuha , Police Station Pihowa, District Kurukshetra (Haryana State)

---- Applicants

Vs

1. State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh Civil And Revenue District Baloda Bazar-Bhatapara Chhattisgarh.

---- Non-applicant

For Applicant(s) –Shri Hemant Gupta, Advocate (in MCRC No.6913/2017),
Shri Janak Ram Verma, Advocate (in MCRC No.7285/2017 and
MCRC No.7187/2017).

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

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

12-01-2018

1. As these three MCRC arise out of the same crime number, i.e., Crime

No.437/2016 registered at P.S. Bilaigarh, District Baloda Bazar-Bhatapara, C.G. for the offence under Section 376(D), 365, 34 of the IPC and Section 3(1)12 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they are being decided by this common order.

2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants for regular bail. The applicants have been arrested on 30-11-2016 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants in all the cases that the applicants have been falsely implicated in this case. The FIR by the prosecutrix does not mention the name of the persons who gang-raped her and thereafter she has also not stated name of any person in her statement under Section 161 of the Cr.P.C. No test identification parade has been conducted to identify any of the applicants in this case. Further, the prosecutrix herself in her statement before the Court has not identified the applicants as any of the persons who has raped her. Hence, for these reasons, the applicants deserve to be enlarged on bail.

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

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

6. The prosecutrix has lodged the FIR that one unknown person forcefully abducted and took her to a place where two other persons were waiting and then all the three persons committed rape with her. Thereafter, one fourth person arrived there who gave her lift on motorcycle, then she came back to her home.

7. Considered on the submissions made and contents of the case diary and also the certified copy of the statement of the prosecutrix before the trial Court, according to which, she is a hostile witness. Considering all the facts

and circumstances of this case, I am of this view that all these applicants deserve to be enlarged on bail in the present matter.

8. Consequently, the applications (MCRC No.6913/2017, MCRC No.7285/2017 and MCRC No.7187/2017) filed under Section 439 of the Cr.P.C. by the applicants 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge