

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2090 of 2018

1. Basant Kumar, S/o. Kharkahi Ram, Aged About 23 Years, R/o.- Bagichapara, P.S.- Darima, Tahsil Ambikapur, District- Surguja, Chhattisgarh.
2. Bhavan, S/o. Vijay, Aged About 21 Years, R/o.- Bagichapara, P.S. Darima, Tahsil Ambikapur, District- Surguja, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station Darima, Tahsil Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Jitendra Shrivastava, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.20/2018, registered at Police Station- Darima, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 341, 376 (घ) and 506 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 07.02.2018. No case is made out against them. Fir and the statement of the prosecutrix recorded under Section 161 of Cr.P.C. does not disclose that these applicants have committed the offence of rape. In the development later on, name of these applicants have been added as the person, who have committed the offence of rape in the

statement under Section 164 of Cr.P.C. recorded after 20 days of the incident from the date of incident. Hence, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the prosecution case, it is alleged that on 05.02.2018, the prosecutrix was interrupted in her path and then the offence of rape was committed by co-accused persons. It is alleged that these applicants stood guard at the time of the incident. Later on in the statement under Section 164 of Cr.P.C., it is stated that both the applicants have also raped her. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due considering on all the material present in the case diary, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge