

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2250 of 2018

1. Harshevak S/o Brijlal Yadav, Aged About 30 Years, R/o- Village- Patra, P.S.- Bijawar, District- Chhatarpur, Madhya Pradesh., District : Chhatarpur, Madhya Pradesh
2. Bismilha S/o Abdul Latif, Aged About 48 Years, R/o- Devgai, P.S.- Ramanujgunj, District- Balrampur- Ramanujgunj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station- Ramanujgunj District- Balrampur-Ramanujgunj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

MCRC No. 2251 of 2018

- Jafer Ansari S/o Alijan Ansari Aged About 53 Years R/o- Village- Chandranagar, P.S.- Ramanujgunj, District- Balrampur-Ramanujgunj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Ramanujgunj, District- Balrampur-Ramanujgunj, Chhattisgarh., District : Balrampur, Chhattisgarh

--- Non-applicant

For Applicants – Shri Akath Kumar Yadav, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

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

16-05-2018

1. As these two applications arise out of the same crime number, i.e. Crime No.50/2017, registered at Police Station Ramanujgunj, District- Balrampur- Ramanujgunj, Chhattisgarh for the offence under Section 363, 366(A), 376(2) (n), 120(B), 34 of the IPC and Section 6 of the POCSO 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 applications before this Court filed by the applicants for grant of regular bail as they have been arrested on 07-08-2017 in connection with

aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 07-08-2017. No case is made out against them. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Hence, looking to these development of things, it is prayed that these applicants may be granted regular bail.

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

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

6. According to the case of prosecution, the applicants abducted the minor prosecutrix and committed gang rape with her.

7. After perusal of the contents of the case diary, perused the certified copy of deposition of the prosecutrix before the trial Court in which she has not given any adverse statement for these applicants, for which, she has been declared hostile by the prosecution. Hence, looking to this development and change in favour of the applicants, I am of this view that they deserve to be granted regular bail.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail 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