

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2465 of 2018

1. Hinshlal S/o Ramchand Bhurtiya, Aged About 20 Years, R/o- Village Red, Police Station Janakpur, Tahsil Bharatpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Nan Bhurtiya @ Ayodhya S/o Nachaku Bhurtiya, Aged About 37 Years, R/o- Village Red, Police Station Janakpur, Tahsil Bharatpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Kotadol, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicants – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-05-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. Applicant No.1 has been arrested on 27-07-2017 and applicant No.2 has been arrested on 05-09-2017 in connection with Crime No.03/2017 registered at Police Station Kotadol, District – Korea, Chhattisgarh for the offence under Section 376, 376(ठ), 450 r/w 34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant No.1 is in jail since 27-07-2017 and applicant No.2 is in jail since 05-09-2017. No case is made out against them. The prosecutrix has been examined before the trial Court and she has not supported the case of prosecution, hence, under these circumstances, it is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, on the date of incident both the applicants forcefully entered into the house of the prosecutrix and committed gang rape with her.
6. Considered on the material present in the case diary and also perused certified copy of the statement of the prosecutrix before the trial Court in which she has made no allegation against these applicants regarding the offence of gang rape, for which, she has been declared hostile by the prosecutor, hence, looking to this change in circumstances, I am of this view that both these applicants should be released on regular bail.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is 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.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge