

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2621 of 2018**

1. Ramesh Netam S/o Late Jagatram Netam Aged About 33 Years
2. Umesh Pandey S/o Late Hariprasad Pandey Aged About 30 Years

Both R/o- Sakin, Canera, Road, P.S.- Kondagaon, District- Kondagaon,
Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh Through- Police Station- Kondagaon, District- Kondagaon, Chhattisgarh

---- Respondent

For Applicants	:	Shri Shobhit Koshta, Advocate
For Respondent-State	:	Ms. Astha Shukla, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/04/2018**

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 17.08.2016 in connection with Crime No. 63/2016 registered at Police Station Kondagaon, District Kondagaon (CG) for the offence punishable under Sections 376D, 506 (B) & 323 IPC (both applicants). Applicant No.2 is also charged under Section 3 (2) (5) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.
2. The First Bail Application bearing M.Cr.C. No.8552 of 2016 was dismissed as withdrawn on 11.01.2017 with liberty to file afresh after prosecutrix is examined.
3. As per the prosecution case, a report was made by the prosecutrix that on

14.03.2016 the applicants came to the house of the prosecutrix and forcefully committed rape for which on the next day report was lodged.

4. Learned counsel for the applicants submits that the statement of the prosecutrix has been recorded and she has been examined as PW-1, her statement if is read as a whole, would show that the false allegations have been attributed against the applicants and he referred to para 8 & 12 of the Statement and submits that the applicants may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the statement of the prosecutrix. Considering the same, without any observation on merits at this stage, I am inclined to release the applicants on bail.
7. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.
8. It is further observed that this Court has not passed any comments on the merits of this case.

Sd/-

Goutam Bhaduri

Judge

Ashu