

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 158 of 2018

Vinay Mahilange S/o Jeevrakhan Mahilange, Aged About 28 Years R/o Village Dhruwakari, Police Station Pachpedi, Civil And Revenue District Bilaspur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pachpedi, District Bilaspur Chhattisgarh, Chhattisgarh

---- Respondent

Shri Dharmesh Shrivastava, counsel for the applicant/s.

Shri S.Majid Ali, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2018

In this case, case diary has been received. Station House Officer, Police Station – Pachpedi is also present in the Court.

Presence of the officer is exempted.

1. The applicant has been arrested in connection with Crime No.151/2017 registered at Police Station- Pachpedi, District - Bilaspur (C.G.) for alleged commission of offence under Sections 376D of IPC.
2. Case of the prosecution is that the applicant and other co-accused committed rape on the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. It is argued that the other two co-accused Anchal Bharadwaj and Chandan Bharadwaj have already been granted bail by this Court in MCrC No.485/2018 taking into consideration that the prosecutrix lodged report after two days of the alleged incident and made only allegations causing simple hurt and when Chandan Bharadwaj refused to marry her, a report was lodged which is improvement

of previous story. It is further submitted that the two main accused in this case have already been granted bail by this Court. Therefore, the present applicant may also be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the nature of allegations made against the applicant and other co-accused that they had taken the prosecutrix to jungle and rape was committed on her by all the accused, the application may be rejected.

5. In MCrC No.485/2018, Anchal Bharadwaj and Chandan Bharadwaj were granted bail by this Court on the considerations that the prosecutrix in her statement under 161 CrPC disclosed that though the offence was committed on 24/09/2017, FIR was lodged by her only on 26/09/2017 against the applicants and other accused alleging only causing simple hurt to her but, later on, when Chandan Bharadwaj refused to marry the prosecutrix, she came out with a story of rape and lodged FIR.

6. Considering that the co-accused – Anchal Bharadwaj and Chandan Bharadwaj have been granted regular bail by this Court vide order dated 21/03/2018 in MCrC No.485/2018, case of the applicant being similarly situated, in all respects, on parity, is granted bail.

7. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court, with following further conditions:

(i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge