

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3103 of 2018**

- Md. Saddam S/o Md. Ramjaan Aged About 19 Years R/o Village Aamtahi, Police Station Samripath, Tahsil District Balrampur- Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Samripath District Balrampur- Ramanujganj, Chhattisgarh

---- Respondent

MCRC No. 3700 of 2018

- Prashant Gupta S/o Vinod Gupta Aged About 21 Years R/o Village Aamtahi, P. S. Samripath, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Samripath, District Balrampur- Ramanujganj Chhattisgarh

---- Respondent

For Applicants	:	Shri AK Yadav, Advocate
For Respondent /State	:	Shri Wasim Miyan, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/06/2018**

1. Since both these bail applications are arising out of the same crime, therefore, they are decided together by this common order.
2. These are the First Bail Applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants in connection with Crime No.07/2018 registered at Police Station Samripath, District Balrampur – Ramanujganj (CG) for the offence punishable under Sections 363, 365, 376, & 506 IPC and Sections 5 (L) & 6 of the POCSO Act.

3. As per the prosecution case, it is alleged that on 26.01.2018 Prashant Gupta along with the other co-accused namely Alam Khan and Chotu Khan abducted three girls with the help of Md. Saddam, who was a driver and thereafter Prashant Gupta and two others committed forceful sexual intercourse. Thereby the offence has been committed.
4. Learned counsel for the applicants submits that the prosecutrix have disowned the incident in the statement given under Section 164 Cr.P.C. and they in fact had went for a picnic and no offence is made out against the applicants, therefore, the applicants may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the statements of three prosecutrix, wherein they have categorically stated about the commission of rape. Considering the same and taking into the totality of the fact at this stage, I am not inclined to release the applicants on bail.
7. Accordingly, both the bail applications are dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu