

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3372 of 2018

1. Sunil Kumar, aged about 30 years, S/o Shri Shiv Bahoran Sahu, R/o Village Barampur, Tahsil Manendragarh, Distt. Koriya (C.G.)
2. Rajaram, aged about 35 years, S/o Shri Jeetram, R/o Village Sakriya, Thana and Tahsil Khadgawa, Distt. Koriya (C.G.)
3. Ram Jiyatan, aged about 27 years, S/o Shri Bholashanker, By Caste Sahu, R/o Belbahra, Thana Jhagrakhand, Tahsil Manendragarh, Distt. Koriya (C.G.)

---- Applicants
(In Jail)

Versus

The State of Chhattisgarh, through Police Station Khadgawa, Distt. Koriya (C.G.)

---- Non-applicant

For Applicants:	Mr. Parag Kotecha, Advocate.
For Non-applicant:	Mr. Anand Dadariya, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/07/2018

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.216/2017, registered at Police Station Khadgawa, Distt. Koriya, for the offence punishable under Sections 450, 376(2)(n) and 506 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicants committed gang rape with the prosecutrix on 28-9-2017 and thereby committed the offence.
3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in

the case. The applicants had already lodged a case against the husband of the prosecutrix for offence under Sections 294, 506, 323, 307 and 201 read with Section 34 of the IPC in which the husband of the prosecutrix has been arrested and sent to jail and on account of that again, the prosecutrix has lodged false complaint against the applicants in which they are in jail since 29-3-2018 and FIR was lodged with a delay of two months on 29-11-2017. Charge-sheet has already been filed.

4. On the other hand, learned State counsel opposes the application and submits that it is a case of gang rape which is duly supported by the statement of the prosecutrix recorded under Section 164 of the CrPC.
5. I have heard learned counsel for the parties and perused the case diary.
6. It is correct to say that on the complaint of the applicants, FIR has been lodged for offence under Section 294 and other offences against the husband of the prosecutrix and he was arrested also. But considering the material available on record and statement of the prosecutrix recorded under Section 164 of the CrPC relating to commission of gang rape with the prosecutrix, I do not consider it a fit case for grant of bail to the applicants. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge