

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4675 of 2018

Samaru Yadav S/o Jethuram Yadav Aged About 23 Years R/o- Village Devri, Police Station Bhatapara (Gramin), Civil And Revenue District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Bhatapara (Gramin), Civil And Revenue District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

MCRC No. 4676 of 2018

Manharan Sahu S/o Jethu Ram Sahu Aged About 50 Years R/o Village Devri, Police Station Bhatapara (Gramin), Civil And Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Bhatapara (Gramin), Civil And Revenue District Baloda Bazar- Bhatapara (C.G.)

---- Respondent

MCRC No. 4679 of 2018

Mansingh @ Gullu Yadav S/o Panchu Yadav Aged About 35 Years R/o Village Devri, Police Station Bhatapara (Gramin) Civil And Revenue District Balodabazar-Bhatapara Chhattisgarh,

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Bhatapara (Gramin) Civil And Revenue District Balodabazar- Bhatapara Chhattisgarh

---- Respondent

For applicants - Shri Samir Singh, Advocate.
For Respondent/State –Shri Sameer Behar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/10/2018

1. All these bail applications are decided by this common order as they are arising out of the same crime.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No.379/2017 registered in Police

Station Bhatapara (Gramin), Civil & Revenue District Baloda Bazar-Bhatapara (C.G.) for offence punishable under section 376(D), 506/34 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution case, on 28/09/2017 the applicants alongwith one more co-accused committed gang rape on the victim for which report was made on 15/11/2017.

4. Learned counsel for the applicants submits that on 15/11/2017 two FIR were lodged, one FIR was against Adar Rajak and second FIR was against present applicants and one more co-accused. It is submitted that statement of the prosecutrix has been recorded wherein there is serious difference exist about age in the first case her age has been shown as 19 years and in the second case her age has been shown as 15 years and in statement given before the Child Welfare Committee also no allegations have been attributed against the present applicants, therefore the statements are completely contradictory in nature and the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the documents and the statement. At this stage it would not be proper for this court to evaluate the statement on merit so as to hold trial while deciding bail. Considering the facts and the statement it is for the trial court to adjudicate the same after evaluating the entire evidence placed before the court. Taking into facts and circumstances, this court is not inclined to release the applicants on bail.

7. Accordingly, the bail applications are dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE