

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4347 of 2018

1. Sunil Kumar Nag S/o Giran Ram Nag Aged About 22 Years R/o- Village- Sitarampur, P.S.- Pasta, District- Balrampur-Ramanujganj, Chhattisgarh.
2. Ratan Kumar Nag S/o Siyaram Nag Aged About 21 Years R/o- Village- Sitarampur, P.S.- Pasta, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- Police Station- Pasta, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For applicants - Shri Vikash Pandey, Advocate.
For Respondent/State –Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/06/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 7/11/2016 vide MCRC No.6879 of 2016.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.23/2016 registered in Police Station Pasta, District Balrampur-Ramanujan (C.G.) for offence punishable under sections 376(d), 506 of IPC.
3. As per the prosecution case, on 28/04/2016 the applicants committed forcible sexual intercourse with the prosecutrix and thereby offence was committed.
4. Learned counsel for the applicants submits that the victim has been examined in this case, she has not supported the case of the prosecution and the applicants are in jail since 31/05/2016, therefore the applicants may be released on bail.

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

6. Perused the statement of the prosecutrix. It appears that she has not supported the case of the prosecution, therefore without commenting on the merits of this case, this court is inclined to release the applicants on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE