

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4502 of 2018

- Anuj Sahu S/o Babu Lal Sahu, Aged About 21 Years, R/o- Nearby Indira Chowk, Patharripara, Police Help Centre, Rampur, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Ajak Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

MCRC No. 4622 of 2018

- Shankar Patel @ Chotu S/o Padum Lal Patel, Aged About 24 Years R/o- Village- Near Indira Chowk, Pathripara, Police Assistant Center, Rampur, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Outpost- Rampur, P.S.- Ajak, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate (in MCRC No.4502/2018),
Shri Awadh Tripathi, Advocate (in MCRC No.4622/2018).
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-07-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.12/2018, registered at Police Station Ajak Korba, District Korba, Chhattisgarh for the offence under Section 456, 376(घ), 190 r/w 34 of the IPC and Section 4, 5 (घ) of Protection of Children from Sexual Offences Act and Section 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they are being decided by this common order.

2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court filed by the applicants for grant of regular bail. Applicant Anuj Sahu in MCRC No.4502/2018 has been arrested on

04-03-2018 and applicant Shankar Patel in MCRC No.4622/2018 has been arrested on 19-03-2018 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 04-03-2018 and 19-03-2018. No case is made out against them. Name of these applicants has not appeared in the FIR lodged by the prosecutrix. Hence, name of these applicants came up in the subsequent development, which shows that the case is concocted. Looking to the FIR lodged, the main allegation is against co-accused Pawan Sidar. Hence, it is prayed that these applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that there is direct evidence present in the record against the applicants, hence, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the minor prosecutrix was firstly raped by co-accused Pawan Sidar inside the house of Garibdas, thereafter, she went to ask for help to applicant Anuj Sahu who took her to the house of applicant Shankar Patel where both of them had physical relation with her consent. Age of the prosecutrix according to the school record is 16 years. Hence, this case.

7. Considered on the material present in the case diary. Name of both these applicants has not appeared in the FIR, but, their name has appeared later on in the statement given to police and under Section 161 of the Cr.P.C.. Hence, looking to the development that has taken place in the investigation, I am of this view that both these applicants should be benefited with grant of regular bail.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge