

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4925 of 2018**

1. Narendra Bhagat, S/o. Makhanlal Bhagat, Aged About 20 Years, R/o. Gerupani, Tahsil and P. S, Lailunga, District Raigarh Chhattisgarh.
2. Virendra Bhagat, S/o. Saheb Ram Bhagat, Aged About 22 Years, R/o. Bagaijhariya, Tahsil and P. S, Lailunga, District Raigarh Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through The Station House Officer, P. S. Lailunga, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Manoj Kumar Jaiswal, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.03/2018, registered at Police Station- Lailunga, District – Raigarh (C.G.) for the offence punishable under Section 366A, 376 (2) (D) of the Indian Penal Code and Section 4 & 6 of POCSO Act.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 12.01.2018. No case is made out against them according to the material present in the charge-sheet. The prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution. Hence, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicants is this that on the date of incident victim was dragged out from her house by the applicant Virendra Bhagat and while Virendra caught hold of her hands, the applicant – Narendra Bhagat committed the offence of rape with her regarding which FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering the certified copy of the deposition of the prosecutrix before the trial Court, in which she has not made any adverse statement against the applicants and has been declared hostile by the prosecution, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge