

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7443 of 2018

1. Md. Saddam, S/o. Md. Ramjaan, Aged About 19 Years.
2. Prashant Gupta, S/o. Vinod Gupta, Aged About 21 Years.

Both R/o. Village- Aamtahi, Police Station- Samripath, District- Balrampur-
Ramanujganj, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station- Samripath, District-
Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.10.2018

1. This is the second 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.07/2018 registered at Police Station- Samripath, District Balrampur-Ramnujganj (C.G.) for the offence punishable under Sections 363, 365, 376, 506 of Indian Penal Code and Section 5(L) & 6 of the Protection of Children from Sexual Offences Act. The first bail application was dismissed on merit on 26.06.2018.
2. As per the prosecution case, it is alleged that on 26.01.2018 Prashant Gupta along with the other co-accused namely Alam Khan and Chotu Khan abducted three girls with the help of Md. Saddam, who was a Driver and thereafter Prashant Gupta and two others committed forceful sexual intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that all the victims have been examined and they have not supported the case of the prosecution and the victims have been shown to be major and the POCSO Act has been diluted, therefore, no case virtually is made out. He further submits that the appellants are in jail since 27.01.2018 & 07.02.2018, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix have not supported the case of the prosecution.
5. Perused the statement of the prosecutrix No. 1, 2 & 3. It appears that they are not supported the case of the prosecution and denied the entire incident. Taking into the facts & circumstances of the case, without any observation on merit, I am inclined to release the applicants on bail.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge