

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7446 of 2018

1. Sahil Jangde S/o Ramkumar Jangde Aged About 19 Years R/o Ramnagar, Bye-Pass Road, Korba, District- Korba, Chhattisgarh.
2. Junaid Khan S/o Sheikh Mahboob Khan Aged About 23 Years R/o Village- Pump House , Korba, District- Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, City Kotwali, Korba,(Police Out Post- Manikpur), District- Korba, Chhattisgarh.

---- Respondent

For applicants - Shri Surfaraj Khan, Advocate.
For Respondent/State –Shri Dilman Rati Minj, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/10/2018

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.589/2018 registered in Police Station-Out Post- Manikpur, P.S. City Kotwali Korba, District Korba (C.G.) for offence punishable under sections 363, 328, 376, 34 of IPC and Section 4 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. At the very outset, learned counsel for the applicants do not press the bail application filed in respect of **applicant No.1 Sahil Jangde**.
3. Accordingly, the bail application filed in respect of **applicant No.1 Sahil Jangde** is dismissed as not pressed.
4. As per the prosecution case, a report was made by mother of the prosecutrix that on 14/07/2018 her daughter was subjected to rape by Sahil Jangde and it is alleged that applicant No.2 Junaid Khan was also in the company of another girl who was at the time of the incident was with them, thereby offence has been committed.

5. Learned counsel for the applicants submits that in respect of applicant No.2 Junaid Khan it is alleged that he was with 'R' another girl, however no allegation of rape has been attributed by the prosecutrix against applicant No.2 Junaid Khan and even statement of 'R' another girl would show that her statement was also not recorded, therefore the applicant No.2 Junaid Khan may be released on bail.

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

7. Perused the statement of the prosecutrix wherein no allegation of rape has been attributed against applicant No.2 Junaid Khan. Charge sheet which is produced for perusal shows statement of another girl 'R' in whose company applicant No.2 Junaid Khan was there no report is made. Taking into nature of allegation against applicant No.2 Junaid Khan, this court is inclined to release the **applicant No.2 Junaid Khan** on bail.

8. Accordingly, the bail application filed in respect of **applicant No.2 Junaid Khan** is allowed and it is directed that the **applicant No.2 Junaid Khan** shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE