

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7210 of 2018

1. Devraj Ghasiya S/o Aliram Ghasiya Aged About 21 Years R/o Village - Kotarki P.S. - Chalgali, District - Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Shyamlal S/o Baliram Aged About 22 Years R/o Village - Amrawati P.S. - Chalgali, District - Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through - The Police Station Trikunda, District - Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. A.N. Pandey, Advocate.
For Respondent	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/10/2018

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure. His first bail application was dismissed as withdrawn in MCRC No.500 of 2018 vide order dated 21.3.2018.
2. This is 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. 22/2017, registered at Police Station- Trikunda, District – Balrampur(C.G.) for the offence punishable under Sections 363, 366(A), 376 (2-N) of the Indian Penal

Code and U/s 5(N)/6 of Protection of Children from Sexual Offences.

3. It is submitted by the learned counsel for the applicants that applicant have been falsely implicated in this case. No case made out against the applicants according to the material present in the charge-sheet. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case regarding which certified copy of deposition has been filed along with application for the perusal of this Court, hence, it is prayed that they may be released on regular bail.
4. Learned State counsel opposes the application and submissions made in this respect.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The allegation against the applicants is this, that applicant No.1 abducted the minor prosecutrix and committed the offence of rape with her on pretext, that he will marry her in future. Hence, this case.
7. After considered on all the material present in the case diary and certified copy of deposition of prosecutrix from which, it appears that she has not supported the prosecution case, for this reason, I am of this view that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

