

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7714 of 2017

1. Vijay Kumar Sahu S/o Bhukhan Lal Sahu, Aged About 22 Years, R/o Dhaneli, Police Station Bhatapara (Gramin), District Baloda Bazaar -Bhatapara Chhattisgarh, Chhattisgarh
2. Ramesh Sahu S/o Sahoran Sahu, Aged About 18 Years, R/o Dhaneli, Police Station Bhatapara (Gramin), District Baloda Bazaar-Bhatapara Chhattisgarh , District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara (Gramin) District Baloda Bazaar-Bhatapara Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicants – Shri Devesh Chandra Verma, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Shri Hemant Gupta, Advocate for the objector.

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

13-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application under Section 439 of the Cr.P.C. filed by the applicants before this Court. The applicants have been arrested on 16-11-2017 in connection with Crime No.381/2017 registered at Police Station Bhatapara (Gramin), District Baloda Bazaar-Bhatapara Chhattisgarh for the offence under Section 376, 506, 34 of the IPC and Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant No.1 and the prosecutrix had love affair between them, because of which, they had met on several occasions previous to the date of incident. The FIR has been lodged by the prosecutrix on being influenced by her family members. The applicants are in jail since 16-11-2017. Hence, it is prayed that the applicants may be granted regular bail.
3. Learned counsel for the State/non-applicants opposes the application

and submission made. It is submitted that the prosecutrix has made direct allegations against both the applicants regarding their role played in commission of offence. Hence, they are not entitled for grant of bail.

4. Learned counsel for the objector submits that with respect to grant of bail to applicant No.1 there is objection on behalf of the prosecutrix, whereas regarding grant of bail to applicant No.2 there is no objection on behalf of the prosecutrix.

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

6. On the date of incident when the prosecutrix was on her way to Village Bharatpur, both the applicants came on motorcycle and offered lift to the prosecutrix. The prosecutrix refused the same, but she was forced by the applicants to ride on the motorcycle with them. After reaching on the spot of the incident, the applicant No.2 left the spot with motorcycle and it was at that time applicant No.1 committed rape with her by subjecting her to threat, then applicant No.2 came back on the spot who gave lift to the prosecutrix and dropped her in Village Bharatpur.

7. Considered on the submissions made and contents of the case diary.

8. At this stage, learned counsel for the applicants submits that he may be permitted to withdraw this application for applicant No.1.

9. Accordingly, the prayer made by applicant No.1- Vijay Kumar Sahu in this application for his release on regular bail under Section 439 of the Cr.P.C. is hereby dismissed as withdrawn.

10. Taking into consideration the material on record against applicant No.2 – Ramesh Sahu and also the fact that there is no objection by the prosecutrix herself in this regard, I am of this view that he should be enlarged on regular bail in the present matter.

11. Consequently, the prayer made in this application by applicant No.2 – Ramesh Sahu for his release on regular bail under Section 439 of the Cr.P.C. is

hereby allowed. It is directed that the applicant No.2 - Ramesh Sahu shall be released on bail on his 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 his appearance as and when directed.

12. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge