

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 134 of 2018**

1. Smt. Darasmati W/o Late Chamru Mahanand, Aged About 80 Years R/o Village Pasid District Janjgir Champa Chhattisgarh , Chhattisgarh
2. Smt. Bimla Bai Chuhan, W/o Late Amarnath, Aged About 48 Years R/o Balpur, P. S. Champa District Janjgir Champa Chhattisgarh , District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, P. S. Kotwali
Korba District Korba Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 372 of 2018**

Bhanu Pratap Mahanande S/o Chamru Mahanande, Aged About 48
Years R/o Village Pasid, District Janjgir Champa Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer P. S. Kotwali,
Korba District Korba Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Sandeep Dubey, Advocate.
For the Respondent/State	:	Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.01.2018**

1. Heard.
2. Both these applications are being decided by this common order as they arise from the same incident. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them who have been arrested in connection with Crime No. 360 of 2017, registered at police station Kotwali - Korba, District –

Korba, Chhattisgarh for the offence punishable under Sections 376, 313, 294 and 506/ 34 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants are in jail since 17.11.2017 and they have been falsely implicated in this case. On the basis of the material on record, no case is made out against them. The prosecutrix has been examined before the trial Court; she turned hostile and not supported the case of the prosecution. Hence, it is prayed that the applicants in both the cases be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that there is clear allegation against the applicants in the FIR and the statement of the prosecutrix under Section 161 of the Cr.P.C. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

5. Heard counsel for both the parties and perused the case diary and also perused the documents submitted alongwith this application.

6. Considering the submissions and the contents of the case diary, and on perusal of the statement of the prosecutrix before the trial Court, it is apparently clear that she has not supported the case of the prosecution and turned hostile. Hence, for these reasons, both the applications are allowed.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- 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

Nimmi