

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8536 of 2018**

1. Fudu Ram S/o Bedram Aged About 42 Years
 2. Ashok Kumar @ Sudhu S/o Bedram Aged About 29 Years
 3. Shubhmani Ratre S/o Nanki Ram Aged About 32 Years
- All R/o- Village Loharsi (Son), P.S. Masturi, District- Bilaspur, CG

---- Applicants**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police
Station Pachpedi, District- Bilaspur, CG

---- Respondent**MCRC No. 8771 of 2018**

Tiwari Banjare S/o Rama Banjare Aged About 44 Years R/o-
Ward No. 6, Uslapur, Bohardih, Loharsi Son, P.S. Pachpedi,
Tahsil And District- Bilaspur, CG

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police
Station Pachpedi, District- Bilaspur, CG

---- Respondent

For applicants	Mr. Rajeev Kumar Dubey, Adv.
For Respondent/State	Mr. Satish Gupta, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28-11-2018**

1. As both the above MCRCs arise out of the same crime number of same police station, they are disposed of by this common order.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
3. The applicants have been arrested in connection with Crime No. 109/2018 registered in police station Pachpedi, Distt. Bilaspur (CG) for offence punishable under Section 363, 366, 34 and 376 of the IPC.

4. Case of the prosecution in brief is that on 31-7-2018, prosecutrix was aged about 14 years. She is resident of village Kulecha. On 31-7-2018, applicants Subhmani Ratre and Ashok Kumar alias Sudhu took the prosecutrix in a motorcycle. At that time, applicant Fuduram and co-accused Ajit Banjare were in another motorcycle. As per the statement of the prosecutrix recorded under Section 161 of the Cr.P.C., she had left her parental house on 31-7-2018. Co-accused Ajit Banjare took her to his house and thereafter to the house of applicant Tiwari Banjare. He committed sexual intercourse with her. As per statement of the prosecutrix recorded under Section 164 of the Cr.P.C., applicants Subhmani Ratre, Ashok Kumar alias Sudhu and Fuduram pressed her mouth and took her and left to the house of co-accused Ajit Banjare. Applicant Subhmani Ratre confined her and co-accused Ajit in a room where he pressurized co-accused to commit sexual intercourse with her.
5. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.
6. On the other hand, State Counsel opposed the bail applications. However, he submits that no criminal antecedent of the applicants is reported in the police case diary.
7. Looking to the above facts and circumstances of the case, considering the totality of the material available, application is allowed. It is ordered that if each applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, they be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge