

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8201 of 2018**

- Omprakash Pradhan S/o Ganesh Ram Pradhan Aged About 24 Years R/o Sheetala Para Village Tadoki P. S. Tadoki District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The P. S. Tadoki District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Non-applicant

And**MCRC No. 9380 of 2018**

- Devashish Nag S/o Ghanshyam Nag Aged About 19 Years R/o Ekta Nagar, Village Tadoki P. S. Tadoki, District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Tadoki, District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Non-applicant

For Applicants : Shri P.K. Tulsyan, Advocate.

For Non-applicant : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****10.12.2018**

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 03/2018 registered at Police Station – Tadoki, District North Bastar Kanker (C.G.) for the offence punishable under Section 363, 366, 342, 376 and 34 of IPC and u/s 4, 6, 17 of the POCSO Act.
4. Case of the prosecution, in brief is that on 05.07.2018 prosecutrix was more than 17 years old. She is resident of Malapara, Meeragaon. On 05.07.2018 at about 06:30 pm she had gone to take match box from the shop. Applicants reached there and took her forcibly towards Salebhat jungle by motorcycle and in the forest applicant Devashish Nag committed forcible sexual intercourse with her.
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.

7. As per the certified copy of the statement of the prosecutrix recorded by the trial Court she turned hostile and not supported the prosecution case regarding rape.
8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if each applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 25,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE