

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 309 of 2019**

1. Motilal S/o Mohar Lal Aged About 30 Years,

2. Raju @ Ravi Kumar S/o Jagmohan Ravi Aged About 24 Years,

Both R/o Shivpur, P. S. Rajpur, District Balrampur Ramanujganj
Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Rajpur, District Balrampur Ramanujganj Chhattisgarh, District :
Balrampur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Jitendra Shrivastava, Advocate
For the State	:	Ms. Sangeeta Mishra, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.76/2018 registered at Police Station Rajpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 450 & 376 (2)(g) of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 30 years old. She is resident of village Shivpur. On 12/06/2018 at about 9.30 p.m. at village Shivpur applicants entered in her house and committed forcible sexual intercourse with her.
4. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.

6. As per the certified copy of the statement of the prosecutrix which is part of the bail application she turned hostile in trial Court and stated that applicants had not committed any wrong with her.
7. 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 the applicants furnishes one solvent surety for a sum of Rs. 25,000/- each along with a personal bond of Rs.25,000/- each to the satisfaction of the concerned Court with the condition that they shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, they shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde