

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 786 of 2019**

- Shankerlal Mahilang S/o Shri Pannalal Mahilang Aged About 23 Years R/o Village Sadakpara, Mukundpur, Tehsil Nagri, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bhanpuri, District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

And**MCRC No. 1168 of 2019**

- Tikeshwar Satnami S/o Shri Ranu Ber Satnami Aged About 23 Years R/o Village Dhandhrapara, Tehsil Raidhar, District Navrangpur, Odisha, District : Nabarangapur *, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Bhanpuri District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicants	: Shri Anchal Kumar Matre, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.02.2019

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail applications 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. 116/2018 registered at Police Station – Bhanpuri District Bastar (C.G.) for the offence punishable under Sections 376D, 506, 366, 201, 34 IPC.
4. Case of the prosecution, in brief is that prosecutrix is about 19 years old and is resident of village Mandlapal. On 27.08.2018, applicants came to her village. She was also familiar with the applicant Tikeshwar. He took her by enticing on pretext of marriage. Applicant Shankerlal was also along with them. She was kept in the house of the applicant Shankerlal at village Nagari. Applicant Tikeshwar committed forcibly sexual intercourse with her . Both the applicants obtained her signature on blank stamp. Applicant Tikeshwar left her in the custody of applicant Shankerlal. Applicant Shankerlal also 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 true copy of the marriage certificate prosecutrix and applicant shankerlal had performed marriage on 29.08.2018. As per the true copy of mutual agreement and the affidavit prosecutrix and applicant Shankerlal had performed marriage on 29.08.2018 at Shivmandir, Sinchai Colony, Nagari. There was love affair between them. These documents are the part of the bail petition of applicant Shankerlal .

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 one solvent surety 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

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