

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1337 of 2019**

1. Rajkumar Uraon S/o Laxmi Uraon Aged About 20 Years R/o Village - Parsapali, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Vishnu Kispotta S/o Kanhai Aged About 20 Years R/o Village - Parsapali, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Vinay Beck S/o Konda Beck Aged About 19 Years R/o Village - Parsapali, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Pankaj Beck S/o Tiju Beck Aged About 19 Years R/o Village - Parsapali, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants	: Shri Sunil Tripathi, Advocate.
For Non-applicant	: Shri Washim Miyan, Panel Lawyer
For informant	: Shri S.S. Paikra, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.04.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 22.11.2018 in MCRC No. 6881 of 2018 for want of prosecution.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No. 253/2018 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 294, 323, 506, 363, 376 (घ)(क) of IPC and Section 5L/6 of the POCSO Act.
4. Case of the prosecution, in brief is that on 24.05.2018 prosecutrix was below 15 years of age. She is resident of village Gautampur. On 24.05.2018 at about 20:00 hrs from Ambikapur new bus stand two unknown persons took prosecutrix to lonely place, in that place these 2 persons and 2 other unknown persons committed forcible sexual intercourse with her one by one. During TIP prosecutrix identified all the four applicants.
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. Counsel for the informant submitted that he has no objection in granting bail to the applicants.
8. As per the true copy of the statement of the prosecutrix dated 11.02.2019 recorded by the trial Court, which is part of the bail petition, she turned complete hostile, she had

stated that applicants have not committed anything with her, they had not taken her anywhere.

9. These circumstances are sufficient to enlarge the applicants on bail in second round.
10. Accordingly, It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

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