

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2208 of 2019**

Shailendra Jhadi, S/o Shivram Jhadi, aged about 30 years, R/o Maharpara, Lingapur, Police Station Bhopalpatnam, District Bijapur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Bhopalpatnam, District Bijapur (CG).

---- Non-applicant**AND****MCRC No.2268 of 2019**

Ashok Jhadi, S/o Samaiya Jhadi, aged about 19 years, R/o Maszidpara, Lingapur, Police Station Bhopalpatnam, District Bijapur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Bhopalpatnam, District Bijapur (CG).

---- Non-applicant

For Applicants : Mr. Shrawan Agrawal, Advocate
 For Non-applicant : Mr. Ashutosh Pandey, Panel Lawyer
 For Informant : Mr. Sunil Verma, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.05.2019

1. Heard. Admit. Case diary is available.
2. Above mentioned two bail applications arise out of a common Crime No.20/2018 registered at Police Station Bhopalpatnam, District Bijapur for the offence punishable under Sections 376, 342, 511, 34, 354-A. 376(3) of Indian Penal Code and Sections 4 & 8 of Protection of Children from Sexual Offences Act, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
3. Prosecution story in brief is that on 29.08.2018 the prosecutrix was below 15 years of age. She is resident of village Chikudapali. On 29.08.2018 at about 7:00 pm at Kacchipara Lalanpadi, applicant-Ashok Jhadi committed sexual intercourse with her. Thereafter, applicant-Shailendra Jhadi attempted to commit rape with her.
4. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
5. Counsel for the State opposed the bail application.
6. Counsel for the informant submitted that he has no objection on releasing the applicants on bail.

7. As per true copy of statement of the prosecutrix recorded by the trial Court wherein she turned hostile and stated that driver of the Bolero Vehicle and another person, who sat in the said vehicle did not commit anything with her.
8. As per true copies of statements of mother and father of the prosecutrix recorded by the trial Court, which is a part of bail application, they have turned hostile and did not support the prosecution case.
9. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.2208/2019 & M.Cr.C. No.2268/2019) are allowed.
10. It is directed that in case, each of the applicants namely Shailendra Jhadi and Ashok Jhadi furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not commit any such type of offence in future.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-