

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2538 of 2019**

1. Motilal Pando S/o Shri Bandhura Pando Aged About 35 Years
Caste Pando, Resident Of Sonhat (Tokadad), Police Station
Raghunath Nagar, District Balrampur Ramanujan Chhattisgarh.,
District : Balrampur, Chhattisgarh
2. Subhashchand Harijan S/o Late Mangal Sai Aged About 20 Years R/o
Sonhat Uparpara, Police Station Raghunath Nagar, District Balrampur
Ramanujan Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Ajak, Surajpur, Police Station Chandani District Surajpur
Chhattisgarh., District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri P.K. Patel, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26/04/2019**

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.39/2018 registered at Police Station AJAK, Chandani, District Surajpur (C.G.) for the offence punishable under Section 363, 376(D), 366 of IPC and Section 3(2)(5) of SC/ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is 21 years old and resident of village Khalbahra. Between 03/07/2018 and 04/07/2018 co-accused Kamlesh Yadav took her forcibly getting her to sit on motorcycle, in the forest. Co-accused Kamlesh Yadav and applicants committed forcible sexual intercourse with her one by one.
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. Co-accused Kamlesh Yadav has been released on bail by this Court on 09/04/2019 in MCRC No. 2062/2019. The case of applicants are identical to the case of co-accused Kamlesh Yadav, who has been released on bail by this Court. The case of applicants is not more severe than the case of co-accused Kamlesh Yadav, consequently it is ordered that if the 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 Court with the condition that he shall 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde