

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3232 of 2019**

1. Surendra Ram S/o Nohri Ram Aged About 25 Years Caste-Lohar, R/o Village- Samdama, Police Station- Tapkara, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Manoj Ram S/o Kalmu Ram Aged About 21 Years Caste-Lohar, R/o Village- Sako, Police Station- Tapkara, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Tapkara, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

And**MCRC No. 4578 of 2019**

- Thakur Prasad Sai S/o Damodar Sai Aged About 59 Years Occupation Farmer, Caste - Kunwar, R/o Village - Ambakachhar, Tahsil And Police Station Farshabahal, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tapkara, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Jaiswal, Advocate in MCRC No.3232/2019.
For Applicant	:	Shri Sanjeev Sahu, Advocate in MCRC No. 4578/2019
For Objector	:	Shri Manoj Chauhan, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/10/2019**

1. As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.

2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.25/2018 registered at Police Station- Tapkara, District Jashpur(C.G.)for the offence punishable under Section 376 of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution is that father of the prosecutrix lodged a report on 5.4.2018 in police station Tapkara stating therein that while dropping his daughter to Pandripani Hostel, who is aged about 14 years, applicant Thakur Prasad Sai committed rape against her. The other applicants made a Video clip of the prosecutrix and Thakur Prasad Sai and threatened the prosecutrix to make the video viral and they also committed rape against her.
4. Learned counsel for the applicants submit that the applicants are innocent and they have been falsely implicated in the crime in question and nothing incriminating article has been seized from their possession. They further submit that the applicants are in jail since 7.4.2018 and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.
5. On the other hand, counsel for the State as well as counsel for the Objector opposing the bail applications submit that the prosecutrix(PW3) has categorically stated against the applicants as to in which manner they have committed sexual intercourse with her. Her statement do not suffer from any

infirmity.

6. Considering the facts and circumstances of the case, in particular, the statement of the prosecutrix in which she has categorically deposed against the applicants, this Court is not inclined to release them on bail.
7. Accordingly, the applications filed under Section 439 Cr.P.C. are rejected.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge