

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3633 of 2019**

1. Hapka Vella S/o Vojja Muriya Aged About 45 Years Present Address- Jail Bada, Bijapur, Police Station- Bijapur, Revenue District- Bijapur And Civil District- Dantewada, CG, Permanent Address Village- Ghumra, Police Station- Namaid, Near Ghuma School, Post- Bijapur, District- Dantewada, CG
2. Hapka Kamalu S/o Hapka Sukalu Aged About 42 Years Present Address- Jail Bada, Bijapur, Police Station- Bijapur, Revenue District- Bijapur And Civil District- Dantewada, CG, Permanent Address Village- Ghumra, Police Station- Namaid, Near Ghuma School, Post- Bijapur, District- Dantewada, CG
3. Hapka Budhu S/o. Hapka Pandu Aged About 41 Years Present Address- Jail Bada, Bijapur, Police Station- Bijapur, Revenue District- Bijapur And Civil District- Dantewada, CG, Permanent Address Village- Ghumra, Police Station- Namaid, Near Ghuma School, Post- Bijapur, District- Dantewada, CG

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station- Bijapur, Revenue District- Bijapur and Civil District- Dantewada, CG

---- Respondent

For applicants Ms. Ankita Srivas, Adv.
 For non-applicant/State Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16-7-2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and his no bail application is pending before any other court. Earlier bail application was rejected for non-compliance of a peremptory order dated 29-3-2019 passed in MCRC No. 2055/2019 by the Registry on 9-4-2019.
2. The applicants have been arrested in connection with Crime No. 99/2002 registered in police station Bijapur (CG) for offence punishable under Section 363, 366/34 of IPC.
3. Prosecution story in brief is that on 12-11-2002 prosecutrix was about 16 years old. She is a resident of village Naimed. On 12-

11-2002 applicants took prosecutrix forcefully from her house.

4. Counsel for the applicant argued that the applicants are innocent and have been falsely implicated, hence the applicants be released on bail.
5. On the other hand, the State Counsel opposed the bail application._
6. As per the photocopy of statement of prosecutrix which is part of bail application she stated in examination in chief that applicants had not taken her forcefully, they had not committed any act with her. She turned hostile.
7. looking to the above mentioned facts and circumstances of the case, and that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicants are in custody from September, 2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. It is directed that if each of the applicants furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the concerned Court with the condition that they shall appear before the concerned Court as and when directed, they be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge