

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3657 of 2019

1. Aakash Rajak S/o Kishor Rajak, Aged About 20 Years, R/o Nayapara, Sai Chowk, Narayanpur, District Narayanpur Chhattisgarh., District : Narayanpur, Chhattisgarh
2. Rajesh Poyam S/o Sannuram Poyam, Aged About 19 Years R/o Gudripara, Narayanpur, District Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh
3. Ujjwal Dey S/o Rajkumar Dey, Aged About 25 Years, R/o Bakhrupara, Narayanpur, District Narayanpur Chhattisgarh., District : Narayanpur, Chhattisgarh
4. Dopesht Kumar Sahu S/o Hari Prasad Sahu, Aged About 18 Years, R/o Bakhrupara, Narayanpur District Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, Through SHO, Police Station Narayanpur Chhattisgarh., District : Narayanpur, Chhattisgarh

----Non-applicant

For Applicants – Shri Vaibhav A. Goverdhan, Advocate.

For Non-applicant/State – Shri Subhash Yadav, Deputy Govt. Advocate.
Shri Santu Ram Jurri, informer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 01-03-2019 in connection with Crime No.34/2019 registered at P.S. - Narayanpur, District Narayanpur, Chhattisgarh for the offence under Section 6 & 10 of Protection of Children from Sexual Offences Act, 2012 and Section 376 (3), 376-A, D, r/w Section 511, 354 (A), 506, 323 of the IPC and under Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 01-03-2019. No case is made out against them. It is submitted that according to the statement of the

prosecutrix herself only offence of attempt to rape is made out against applicant No.2, whereas, applicant No.3 and 4 have not participated in the said commission of offence. Therefore, it is prayed that these applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix is a minor girl and according to the evidence present, all the applicants are responsible for commission of offence of gang rape with the prosecutrix. Therefore, the application may be rejected.

4. Complainant Santu Ram Jurri is present in person before this Court and he has objected to grant of bail to the applicants.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date and time of the incident the prosecutrix and her friend were accompanied with two boys who were coming back from a fare who were accosted by the applicants, the applicants abused and make them flee from the spot and thereafter two prosecutrix of this case were raped by applicant No.1 and 2.

7. On perusal of the statement of both the prosecutrix and other witnesses, it appears that act of the applicants is within the definition of Section 376D of the IPC, therefore, I do not feel inclined to grant bail to these applicants.

8. Consequently, the application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge