

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3804 of 2019

- Ranjeet Pando, S/o Shivsharan Pando, Aged About 23 Years, R/o Pandari Pahaddih, Police-Station-Raghunathnagar, District-Balrampur Ramanujanj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Basantpur District Balrampur Ramanujanj Chhattisgarh.

---- Respondent

&

MCRC No. 3926 of 2019

- Ishwar Khairwar, S/o Hanshlal Khairwar, Aged About 23 Years, R/o Pandri Pahaddih, Police Station-Raghunathnagar, District-Balrampur-Ramanujanj Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through Police Station Basantpur, District Balrampur-Ramanujanj Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A. N. Pandey, Advocate in MCRC No.3804 of 2019.
		Mr. Dashrath Kushwaha, Advocate in MCRC No.3926 of 2019.
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/07/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.

2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.162/2018 registered at Police Station- Basantpur, District – Balrampur, Ramanujganj(C.G.) for the offence punishable under Sections 109, 376(d), 342, 363, 366, 506 of Indian Penal Code and Under Section 4 & 17 of Protection of Children From Sexual Offences Act.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 22.11.2018. No case is made out against them. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, therefore, no case is left against these applicants, therefore, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. As alleged, these applicants abducted the minor prosecutrix and, thereafter, keeping her on confinement and under threat they committed the offence of rape with her. Hence, this case.
7. On perusal of the certified copy of the deposition of prosecutrix and her father, it appears that they have not supported the prosecution case and they declared hostile witnesses, therefore, after this development, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on regular

bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha