

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3678 of 2019

1. Chhatrapal S/o Late Sitram Sahu Aged About 26 Years R/o Village Kachandur, Police Station Gunderdehi, District Balod Chhattisgarh., District : Balod, Chhattisgarh
2. Bundelal S/o Jhaduram Baghel Aged About 31 Years R/o Village Kachandur, Police Station Gunderdehi, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gunderdehi, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

MCRC No. 3897 of 2019

- Chukeshwar @ Chutu Gayakwaad S/o Rajulal Gayakwaad Aged About 22 Years R/o Village- Kachandur, Police Station- Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Rajesh Kumar Sharma and Shri S.S. Bhagel, Advocates.
For Non-applicant	: Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

20.06.2019

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 108/2019 registered at Police Station – Gunderdehi District Balod (C.G.) for the offence punishable under Sections 365, 342, 376 of the IPC.
4. Case of the prosecution, in brief is that prosecutrix is about 20 years old. She is resident of village Kachandur. On 19.03.2019 at about 6:30 hours applicants forcibly put her in vehicle No. CG08K0750. Near Sanskar City School, Rajnandgaon applicant Chukeshwar dropped applicants Chhatrapal and Bundelal. Applicant Chukeshwar @ Chutu Gayakwaad took her in the house of his elder mother at village Kachandur and committed forcible sexual intercourse with her.
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. Counsel for the applicant Chukeshwar @ Chutu Gayakwaad submitted that

prosecutrix was a consenting party, thus he took her in the house of his elder mother. His family members were not ready to perform marriage with her.

8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicants-**Chhatrapal** and **Bundelal** each furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, he will 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.
9. Looking to the facts and circumstances of the case, looking to the material available on record, bail application of applicant Chukeshwar @ chutu Gayakwaad is rejected.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

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