

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3929 of 2019**

1. Ram Yadav, S/o. Bahadur, Aged About 35 Years
 2. Mohan Yadav, S/o. Vinod, Aged About 25 Years
- Both are R/o Village- Kasaniya, Police Station- Katghora, District- Korba, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station- Katghora, District- Korba, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Nitesh Shrivastava, Advocate
For Respondent/State	: Mr. Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/09/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.77/2019, registered at Police Station – Katghora, District – Korba (C.G.) for the offence punishable under Section 376 (D) of Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 28.03.2019. The prosecutrix has not supported the prosecution case in her statement before the trial Court, therefore, nothing is left in the prosecution case. Therefore, it is prayed that the applicants may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, both these applicants and one co-accused committed gang rape with the prosecutrix on the date incident, regarding which FIR has been lodged.
6. Perused the copy of the deposition, in which it is found that the prosecutrix has omitted to make statement regarding the offence of rape committed by these applicants, therefore, looking to this development in the case against the applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge