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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3922 of 2019**

Dharmendra S/o Ravishankar Aged About 23 Years R/o Vinayakpur, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4212 of 2019**

Krishna Murari Yadav S/o Ram Prasad Yadav Aged About 50 Years R/o Jargin, Police Station And Tahsil Shankargarh, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Shankargarh, Civil And Revenue District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Rajat Agrawal and Shri Ajeet Kumar Yadav, Advocates.
For the Respondent/State	:	Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.08.2019**

Heard.

- Both these applications are decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants 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.83 of 2019, registered at Police Station Shankargarh, District –

Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 365, 343, 368, 506, 376, 147, 148, 149, 294 and 323 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 18.05.2019 and they have been falsely implicated in these cases. On behalf of applicant – Dharmendra in M.Cr.C. No. 3922 of 2019, it is submitted that there is no allegation against the applicant regarding the commission of offence of rape. On behalf of applicant – Krishna Murari Yadav in M.Cr.C. No. 4212 of 2019, it is submitted that he is not connected in any manner in the offence of rape and abduction and rest of the offences registered against them under Sections 147, 148, 149, 294, 323 and 506 are bailable in nature. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, applicant – Dharmendra assisted main accused – Anil Yadav in abducting the minor prosecutrix and thereafter, applicant – Dharmendra did not accompany the main accused and then prosecutrix with main accused went to a place where the prosecutrix was kept in confinement and raped by main accused – Anil Yadav. In the later on development, applicant – Krishna Murari Yadav and others learnt out about the incident. The family members of the prosecutrix after knowing about the

incident, went to the spot and recovered the girl and was beating the main accused – Anil Yadav. Then his father applicant-Krishna Murari Yadav in M.Cr.C. No. 4212 of 2019 arrived the spot and assaulted on victims to rescue his son because of which, the FIR has been lodged. During this incident, he also threatened the complainant party. Hence, this case.

6. After considering the limited role that has been played by the applicant in both the cases and also for the reason that the case is now pending for trial before the trial Court, I feel inclined to grant regular bail to the applicants in both the cases.

7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge