

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4753 of 2019

- Gurmit Singh @ Raja S/o Sevak Singh Saluja, Aged About 23 Years R/o Lavan Road, Shahis Bhagat Singh Ward - 12, Balodabazar, Police Station City Kotwali, District Balodabazar Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Balodabazar District Balodabazar, Chhattisgarh.

---- Respondent

AND

MCRC No. 5204 of 2019

- Smt. Meena Chelak W/o Rohit Chelak Aged About 27 Years R/o Patpar Chowk Bhatapara, Presently R/o Vaishna Colony Balodabazar, Police Station City Kotwali, Balodabazar District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station City Kotwali, Balodabazar District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

AND

MCRC No. 5297 of 2019

- Dhananjay Dewangan S/o Tilakram Dewangan Aged About 29 Years R/o Simga, Police Station And Tahsil Simga, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicant (In MCRC No. 4753/19)	: Shri Sanjay Agrawal, Advocate.
For Applicant (In MCRC No. 5204/19)	: Ms. Shivali Dubey, Advocate.
For Applicant (In MCRC No. 5297/19)	: Shri Pragalbha Sharma, Adv.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/08/2019

1. Heard.
2. Since all cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 313/2019, registered at Police Station – City Kotwali, Baloda-Bazar, District- Balodabazar-Bhatapara, (C.G.) for the offence punishable under Section 376 (2) (g) of IPC and Section 120-B of IPC.
4. As per the prosecution story, prosecutrix is a married lady aged about 20 years. On 26.05.2019, she lodged a written complaint before the police station alleging therein that on 24.05.2019, her sister-in-law i.e. Applicant namely Smt. Meena Chelak (in MCRC No. 5204/2019) alongwith one Rohit Koshle came to the prosecutrix and took her with them and stayed in Baloda-bazar. It is further alleged that around 10:00 pm, Meena called Applicant Dhananjay Dewangan (in MCRC No. 5297/2019), who committed rape with the prosecutrix. Also on 25.05.2019, Meena sent the prosecutrix to another accused/Applicant namely Gurmit Singh @ Raja (in MCRC No. 4753/2019), who also committed rape with the prosecutrix. On the basis of the said background, offence has been registered. Applicant Meena Chelak and Dhananjay Dewangan are in custody since 27.05.2019 and 29.05.2019 respectively.
5. Learned Counsel appearing on behalf of the Applicants submits that

the Applicants are innocent and have been falsely implicated in the case. They further submit that the entire story narrated by the prosecution is un-natural and not reliable. Counsel appearing for the Applicant Dhananjay Dewangan submits that the prosecutrix in her statement recorded under Section 164 of Cr.PC on 27.05.2019 has not mentioned the name of the Applicant Dhananjay Dewangan. Subsequently, one supplementary statement of the prosecutrix recorded under Section 161 of Cr.P.C was recorded wherein she had mentioned the name of Dhananjay. Though in TIP, prosecutrix identified the Applicant Gurmit but TIP seems to be suspicious. It is further submitted by all Counsel that from the evidence adduced by the prosecution, *prima facie*, no case under Section 376 and 120-B of IPC can be made out against any of the accused persons. Applicant Meena Chelak and Dhananjay Dewangan are in custody since 27.05.2019 and 29.05.2019 respectively and trial will take some time. Therefore, they may be released on bail.

6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the argument advanced by the Counsel, fact that the Applicant Meena Chelak and Dhananjay Dewangan are in custody since 27.05.2019 and 29.05.2019 respectively and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the Applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned

Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge