

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4701 of 2019**

Vishwanath son of Rupan Yadav, aged about 20 years, R/o Baraundhi Kobrapara, P.S. Bhatgaon, District Surajpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, P.S. Aajak Surajpur, District Surajpur (CG).

---- Non-applicant**AND****MCRC No.4824 of 2019**

Geeta Prasad, S/o Hirachand Rajwade, aged about 21 years, R/o Kewra Bojodand, Police Station Pratappur, District Surajpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Ajak, Surajpur, District Surajpur (CG).

---- Non-applicant

For Applicants : Mr. Pushpendra Kumar Patel, Advocate
For Non-applicant : Mr. Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.08.2019

1. Above mentioned two bail applications arise out of a common Crime No.51/2019 registered at Police Station Aajak Surajpur, Civil and Revenue District Surajpur for the offence punishable under Sections 363, 366, 376/34 of Indian Penal Code, Section 4 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(W)(1), 3 (2-5) of the Scheduled Case and Scheduled Tribe (Prevention of Atrocities) Act, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that on 17.03.2019, the prosecutrix was more than 17 years of age. She is a resident of village Kewra. She is a member of Scheduled Tribe. On 17.03.2019, the applicants and co-accused Loli took her forcefully towards Chera Forest by motorcycle. The applicants left her and co-accused Loli in the forest and, thereafter,

they went away from there. Co-accused Loli committed rape with her.

3. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case. He further submitted that there is no role of present applicants. They are in jail since May, 2019 and as such they may be released on bail.
4. On the other hand, counsel for the State opposed the bail application. He submitted that no criminal antecedent of the applicants is reported in police case diary.
5. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants, looking to this fact that the applicants forcefully took the prosecutrix towards Chera forest, where co-accused Loli committed rape with her, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of CrPC to the applicants. Consequently, the bail applications (M.Cr.C. No.4701/2019 & M.Cr.C. No.4824/2019) are rejected.
6. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-