

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4855 of 2019**

1. Arvind Narang S/o Rikhiram Aged About 19 Years R/o Mini Basti, Police Station Civil Line, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Anil Alias Poklu Narang S/o Rikhiram Aged About 25 Years R/o Mini Basti, Police Station Civil Line, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Shivali Dubey, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27.09.2019

1. The alleged informant Smt. Godavari Banjare is absent though notice served upon her.
2. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
3. Earlier, the first bail application of the applicants has been dismissed by this Court on 16.05.2019 in MCRC No. 2617 of 2019 considering prima facie cases against the applicants.
4. Perused the case diary provided by the counsel for the State in connection with the Crime No. 09/2019 registered at Police Station Civil Line, District Balaspur (C.G.) for the offence punishable under Sections 363(D)(A), 363 (b) (2), 366(a), 506, 376 of IPC and Sections 3, 4 of the POCSO Act.
5. Case of the prosecution, in brief is that on 17.02.2019 the prosecutrix was below 16 years of age. She is resident of Mini Basti, Bilaspur. On 17.02.2019 at about 2:00 am applicants and co-accused Rajendra Kurre took her after pressing her mouth in the house of applicant No.1-Arvind Narang. Thereafter,

applicants left her in the said house and co-accused Rajendra Kurre was inside in the house and the present applicants locked the door from outside and went from there. Co-accused Rajendra Kurre committed forcibly sexual intercourse with her. After some time, applicants reached there and opened the door.

6. Learned counsel for the applicants submits that in the case in hand prosecutrix has been examined by the trial Court, she turned hostile, therefore, they shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
8. As per the certified copy of the statement of the P.W.1 prosecutrix she had stated in her examination in chief that her brothers falsely implicated the applicants in rape case, her parents and her brothers had beaten her, she had given statements before the police as told by them, she did not support the prosecution case and turned hostile. These circumstances are sufficient to enlarge the applicants on bail in second round of litigation.
9. Consequently, the bail application is allowed. It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he will appear before the concerned Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE