

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5060 of 2019**

1. Prem Prakash Banjare S/o Goverdhan Banjare Aged About 52 Years R/o Girtola, Police Station Nandani Nagar, District Durg Chhattisgarh.
2. Ramsevak Deshlahra S/o Late Pyarelal Deshlahre Aged About 60 Years R/o Behra, Police Station Berla, District Bemetara, Chhattisgarh.
3. Gangadhar Dehre S/o Late Dayaram Dehre Aged About 46 Years R/o Sond, Police Station Berla, District Bemetara Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Dhamdha, District Durg Chhattisgarh.

---- Respondent

For the Applicants : Shri S.K. Guha, Advocate.
 For the Respondent/State : Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.09.2019**

Heard.

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. 84 of 2019, registered at Police Station Dhamdha, District Durg, Chhattisgarh for the offence punishable under Sections 363, 366, 376, 195 and 506/ 34 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that the applicants are in jail since 12.5.2019 and have been falsely implicated in this case. There is no allegation against these applicants regarding commission of offence

under Sections 363, 366 and 376 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012. The only allegation against them is under Sections 195 and 506 of the IPC. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence that these applicants have threatened the prosecutrix for not disclosing the matter to the police. Hence, no case is made out for grant of regular bail to the applicants.

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

5. According to the prosecution case, the prosecutrix was abducted and raped by co-accused – Amit Banjare. Thereafter, when the prosecutrix came in contact with these applicants, these applicants pressurized her to make a false statement and also threatened her for not disclosing about the incident to the police. Hence, this case.

6. Considering the fact that the only allegation against these applicants is under Sections 195 and 506 of the Indian Penal Code and there is no further requirement of detention of the applicants in this case, therefore, I feel inclined to grant regular bail to the applicants in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- 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