

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5577 of 2019**

- Sunil Yadav, S/o Krishna Murari, Aged About 26 Years, R/o Village Jargim, Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh.
- Sushil Yadav, S/o Krishna Murari, Aged About 30 Years, R/o Village Jargim, Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

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

---- Respondent

For Applicants	: Mr. Ajeet Kumar Yadav, Adv.
For Respondent/State	: Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.11.2019**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 83/2019 registered at Police Station Shankargarh, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 365, 342, 368, 506, 376, 190, 147, 148, 149, 294 and 323 of IPC.
2. The prosecution story, in brief is that, prosecutrix has lodged report to the concern police station Shankargarh alleging that on 11.05.2019 she went to house of Babulal Korwa for attaining marriage ceremony and at that time, main accused persons Dharmendra Yadav called the prosecutrix and thereafter, Dharmendra Yadav and Anil Yadav forcefully sitting the prosecutrix in their motorcycle by threatened her, and they have committed physical relationship with her at unknown place. Based on this,

offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the prosecutrix has clearly stated in her statement under Section 164 of the Cr.P.C. that main accused persons namely Anil and Dharmendra Yadav committed sexual intercourse with her and the present applicants have not committed sexual intercourse with her. The applicants are in jail since 09.07.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the prosecutrix has clearly stated in her statement under Section 164 of the Cr.P.C. that main accused persons committed sexual intercourse with her and the present applicants have not committed the offence. The applicants are in jail since 09.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**