

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6074 of 2019**

- Manoj Kumar Sawra S/o Tilakdhari Aged About 22 Years, R/o Village Dabankara (Bhaisamunda), Police Station Chandaure, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station Ajak, Surajpur, District Surajpur, Chhattisgarh.

---- Respondent**With****MCRC No. 6618 of 2019**

- Ramnarayan S/o Bigan Ram Aged About 50 Years, R/o Village Chapda, Police Station And Tahsil Odgi, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Ajak Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.11.2019**

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. 03/2019 registered at Police Station Ajak Surajpur, District-Surajpur (C.G.) against applicant namely Manoj Kumar Sawra for the offence punishable under Sections 376 (2) (घ), 363 366 read with 34 of the IPC and 3(2)(5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act and against applicant namely Ramnarayan for the offence punishable under Sections 376 (2) (घ), 366 363 read with 34 of the IPC and 3 (1)

(3-1), 3(2)(5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act

2. The prosecution story, in brief is that, on 29.04.2019 at morning 9:00 am. when the prosecutrix went to answer the call of nature, at that time Raju Panka came there and dragged the prosecutrix towards the forest and in the meantime Raju Panka called the present applicants and asked them for hiring the vehicle and thereafter, they forcefully dragged the prosecutrix in the vehicle, and Raju Panka committed sexual intercourse with the prosecutrix. 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 main allegation is against the Raju Panka and prosecutrix is aged about 23 years. Applicant Manoj Kumar Sawra is in jail since 30.07.2019, and applicant Ramnarayan is in jail since 04.09.2019, 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, detention period of applicants and further considering the facts that the main allegation is against the Raju Panka and the age of the prosecutrix is 23 years. Applicant Manoj Kumar Sawra is in jail since 30.07.2019, and applicant Ramnarayan is in jail since 04.09.2019, 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