

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6842 of 2019

1. Kangresh Cherwa & Anr. S/o Raghunath Cherwa Aged About 25 Years R/o Village - Manpur, Police Station Chalgali, District Balrampur Ramanujganj Chhattisgarh.
2. Rajesh Cherwa S/o Radheshyam Cherwa Aged About 24 Years R/o Village Manpur, Police Station Chalgali, District Balrampur Ramanujganj Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Chalgali, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	: Shri Akath Kumar Yadav, Advocate
For Respondent/State	: Shri V.K.Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

13/12/2019

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.79/2019 registered at police station chalgali, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 376 (D) and 450/34 IPC and Section 4 and 17 of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution case, report was lodged after three days of the incident that the applicants have aided the main accused in committing rape of the prosecutrix.

Counsel for the applicants submits that the applicants are innocent and they have been falsely implicated. He further submits that the report was lodged after three days of the incident and that too, after a pachayat meeting was convened where it was disclosed that the other two co-accused persons have committed rape on her. He submits that the applicants are in jail since 02.08.19; the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore they may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicants, I am inclined to release them on bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond of Rs. 25,000/- each with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, they shall be released on bail.

Sd/-

(Rajani Dubey)
Judge