

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9070 of 2018**

Shanti Rajwade W/o Anupal Rajwade Aged About 31 Years R/o Karahiya Khad, Police Station- Patna, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Patna, District- Korea, Chhattisgarh. (Wrongly Mentioned As Ajak, Police Station- Baikunthpur), District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

MCRC No. 46 of 2019

Anupal Rajwade S/o Shyam Lal Rajwade Aged About 25 Years R/o Karadhyamkhad, Police Station Patna, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Ajjak Police Station Baikunthpur, Civil And Revenue District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

Along with

MCRC No. 9349 of 2018

Gorelal Singh S/o Ram Lakhan Singh Aged About 44 Years Caste Gond, R/o Bardiya Gobripara, P. S. Ajak Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Ajak Baikunthpur, Civil And Revenue District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For the Applicant	:	Shri Anil Gulati, Shri Purendra Khichariya and Shri Virendra Verma, respective Advocates
For the State	:	Ms. Sangeeta Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

21/01/2019

1. As MCRC No. 9070/2018, MCRC No.9349/2018 and MCRC No.46/2019 arise out of the same crime number of same police station, they are being disposed of by this common order.
2. The applicants have preferred these first bail application under Section 439 of CrPC and there are no bail applications are pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.03/2018 registered at Police Station Patna, District Korea (C.G.) for the offence punishable under Section 376(2)(D), 328, 109 of IPC and 3(1)(w), 3(2)(5) of SC & ST (Prevention of Atrocities) Act against the applicant Shanti Rajwade. Crime No.03/2018 registered at Police Station AJAK Baikunthpur, District Korea (C.G.) for the offence punishable under Section 376(2)(D), 328, 109 of IPC and 3(2)(V) of SC & ST (Prevention of Atrocities) Act against the applicant Gorelal Singh. Crime No.03/2018 registered at Police Station Baikunthpur, District Korea (C.G.) for the offence punishable under Section 376(2)(D), 109, 328, 342, 115 of IPC and 3(2)(V) of SC & ST (Prevention of Atrocities) Act against the applicant Anupal Rajwade.
4. Case of the prosecution, in brief is that prosecutrix is about 18 years old. She is resident of village Karhiya Khand. She is member of Scheduled Tribe. Applicants are neither member of Scheduled Caste not Scheduled Tribe. On 15/08/2018 at about 3 p.m. at village Karhiya Khand, prosecutrix was going to see her paternal aunt. Applicant Shanti Rajwade whose house on the way called prosecutrix. Prosecutrix went in her house. Applicant Shanti Rajwade force her to drink liquor. The applicants who were present in the house committed forcible sexual intercourse with the prosecutrix.
5. Learned counsel for the applicant submits that they have innocent and falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicants on society, the present bail applications are rejected.

Sd/-
(Sharad Kumar Gupta)
Judge