

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9811 of 2018**

Sandeep Ogre, son of Shri Dev Lal Ogre, aged about 27 years, R/o Village Bundeli, Police Station Chhuikhadan, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Gunderdehi, District Balod (CG).

---- Non-applicant**AND****MCRC No.258 of 2019**

Kishan Deshlahare, son of Sukaloram, aged about 35 years, R/o Turipaar, P.S. Ghumka, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Durg (CG).

---- Non-applicant

For Applicants : Mr. Praveen K. Dhurandhar and Mr. Roop Naik, Advocates
For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17.01.2019**

1. Above mentioned two bail applications arise out of a common Crime No.301/2018 registered at Police Station Gunderdehi, District Balod for the offence punishable under Sections 363, 366, 376, 109 of IPC and Sections 4,5(L), 6, 17 of Protection of Children from Sexual Offences Act, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that on 02.11.2018, the age of the prosecutrix was more than 17 years. She is a resident of village Sirsida. Co-accused Santosh Tandon committed repeatedly sexual intercourse with her on the pretext of marriage. Prior to that, he committed forcible sexual intercourse with her. On 02.11.2018, co-accused Santosh Tandon took her in the house of applicant-Kishan Deshlahare, where they stayed and, thereafter, they stayed in the house of applicant-Sandeep Ogre, where they stayed.
3. Counsel for the respective applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may

be released on bail.

4. Counsel for the State opposed the prayer for grant of bail. However, he submits that no criminal antecedent reported against the applicants in police case diary.
5. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.9811/2018 & M.Cr.C. No.258/2019) are allowed.
6. It is directed that in case, each of the applicants i.e. Sandeep Ogre and Kishan Deshlahre furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail.
7. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-