

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7670 of 2019**

1. Hemant Kumar Dahare, S/o. Thakur Ram, Aged About 25 Years, Caste Satnami, R/o. Village Kosa, Post Machandur, Police Station Ranchirai, Tehsil Gunderdeshi, District Balod, Chhattisgarh.
2. Tokesh Kumar Dahare, S/o. Dwarika Prasad, Aged About 24 Years, Caste Satnami, R/o. Village Kosa, Post Machandur, Police Station Ranchirai, Tahsil-Gunderdehi, District Balod, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Ranchirai, District - Balod, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vijay Kumar Sahu, Advocate
For Respondent/State	: Mr. Sudip Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/12/2019**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.27/2019, registered at Police Station – Ranchirai, District – Balod (C.G.) for the offence punishable under Section 376 of D.N. 506 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix vide order dated 09.08.2019 in M.Cr.C. No.3712/2019.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 26.04.2019. The prosecutrix in this case has been examined before the learned trial Court and she has not supported the prosecution case. Hence, it is prayed that the applicants may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the trial is still going on and therefore, the prosecution has to prove the case against the applicants, hence, for this reason, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix had lost her gold neck-less, when she asked the applicants to help to search the same, the applicants took benefit of her misery and then raped her. It is alleged that the applicants have also prepared video from mobile phone and threatened her that they will make the video viral in case, she discloses the incident to anybody. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. On perusing the certified copy of the deposition of the prosecutrix, which is presented along with the bail application, it is found that the prosecutrix has not supported the prosecution case, therefore, looking to this development, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram