

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5822 of 2019**

- Gopiram Sahu S/o - Preetam Das Sahu Aged About 24 Years
R/o - Village Bholapur, Police Station Chhuriya, District
Rajnandgaon Chhattisgarh, District : Rajnandgaon,
Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Dongargaon, District Rajnandgaon Chhattisgarh,
District : Rajnandgaon, Chhattisgarh

---- Respondent**MCRC No. 7717 of 2019**

- Shubham Mandavi S/o Kanti Lal Mandavi Aged About 21 Years
R/o.Village Adam, P.S. Dongergaon, District Rajnandgaon,
Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Station House Officer,
Police Station Dongergaon, District Rajnandgaon,
Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate in MCRC No.5822/2019.
For Applicant	:	Shri Punit Ruparel, Advocate in MCRC No. 7717/2019
For Objector	:	Shri Anurup Panda, Advocate
For Respondent	:	Shri Anil Tripathi, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/12/2019**

1. As both the MCRCs arise out of same crime number, they are
being heard and disposed of by this common order.
2. The accused/applicants have moved these bail applications

under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.259/2019 registered at Police Station -Dongargaon, District Rajnandgaon(C.G.) for the offence punishable under Sections 354, 454, 376(घ)(घ)(क) of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that father of the prosecutrix lodged a report that on 4.8.2019 when he and his wife had gone to the fields, the present applicants came to his shop and purchased some article from his son- Girija Shankar and applicant Gopiram Sahu get involved in talking to his son, brother of the prosecutrix and Shubham Mandavi entered into the house and committed rape on his daughter, who is aged about 12 years.
4. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question and they have gone to purchase some articles from the shop in the village. Learned counsel appearing on behalf applicant Gopiram Sahu submits that the applicant has only accompanied the co-accused Shubham Mandavi to the shop and even he was no knowledge that Shubham Mandavi has entered into the house with an intention to commit rape with the prosecutrix. Learned counsel appearing on behalf of applicant Shubham Mandavi submits that on the basis of false statement of the prosecutrix he has been implicated in the crime. They submit that as the applicants are in custody

since 6.8.2019 and the trial is likely to take some time for its final disposal, they may be released on bail.

5. On the other hand, counsel for the State as well as counsel for the Objector oppose the bail applications.
6. Considering the facts and circumstances of the case, in particular, main allegations are against applicant- Shubham Mandavi, therefore, the bail application filed on behalf of applicant Shubham Mandavi in MCRC No. 7717/2019 is dismissed.
7. So far as applicant Gopiram Sahu is concerned, he and the co-accused Shubham Mandavi have gone to the shop of brother of the prosecutrix for purchasing some articles and while he was talking to the brother of the prosecutrix, in the meantime, the co-accused has committed the crime and he has no active role, therefore, I am of the opinion that present is a fit case, in which, applicant Gopiram Sahu should be enlarged on regular bail.
8. Accordingly, the application filed under Section 439 Cr.P.C. in MCRC No.5822/2019 is allowed. It is directed that applicant Gopiram Sahu shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
9. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge

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