

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 416 of 2020**

- Santosh @ Kishor Sahu, S/o Sadaram Sahu, Aged About 29 Years, R/o Sakin Sikaripara, P.S. Balod, District- Balod, (C.G.).

----Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Balod, District- Balod Chhattisgarh.

---- Respondent

With**MCRC No. 689 of 2020**

- Vijay Kshatri, S/o Ratnakar Singh, Aged About 42 Years, R/o Aamapara, Ward No. 13 Balod, Police Station and District - Balod Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through: Station House Officer, Police Station- Balod, District - Balod, Chhattisgarh.

---- Respondent

For Applicants

: Shri Hariom Rai, Adv.
in MCRC No. 416/2020
Shri Rajkumar Pali, Adv.
in MCRC No. 689/2020

For Respondent/State

: Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.03.2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 92/2019 registered at Police Station- Balod, District- Balod (C.G.) for the

offence punishable under Sections 376 (D), 506B of IPC & Section 3 (ii) (V) of the SC/ST Act.

3. The prosecution story, in brief is that, the prosecutrix had suffered from epilepsy for which Murari Sahu had taken her to Dr. Vijay Kshatri, thereafter Murari Sahu along with present applicants committed sexual intercourse with the prosecutrix. Thereafter, offence has been registered against the present applicants.
4. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the crime in question. They further submit that as per DNA report, applicants are not biological father of the child. The applicant named Santosh @ Kishor Sahu is in jail since 09.03.2019 and the applicant named Vijay Kshatri is in jail since 05.03.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering the facts that as per DNA report, applicants are not biological father of the child. The trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**