

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 111 of 2020

- Altaf Khan S/o Shri Firoz Khan Aged About 22 Years R/o Near Rajbandha Press, Rajbandha Maidan, Police Station - Maudhapara, District - Raipur Chhattisgarh
- Vikas Singh Rajput S/o Shri Santosh Rajput Aged About 22 Years R/o Badhaipara, Police Station Azaad Chowk, Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station - Saraswati Nagar, District Raipur Chhattisgarh.

---- Respondent

MCRC No. 537 of 2020

- Tulsi Chandrakar S/o Ashok Aged About 25 Years R/o Sarora, Near Krishna Enterprises Colony, Police Station D. D. Nagar, Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Saraswati Nagar, Raipur District Raipur Chhattisgarh,

---- Respondent

MCRC No. 899 of 2020

- Beena Thakur W/o Late Shri Shishupal Aged About 42 Years R/o Phul Chowk, Jorapara, Near Devika Hotel Police Station - Golbazaar, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Saraswati Nagar, District - Raipur Chhattisgarh.,

---- Respondent

For Applicants : Shri Devershi Thakur, Advocate in M.Cr.C.
Nos. 111/2020 & 899/2020; Shri Dheerendra
Mishra, Advocate in M.Cr.C. No. 537/2020
For Respondent/State : Shri B.L.Sahu, PL
For Respondent/Objector : Shri Ankur Agrawal, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

06/03/2020

As these three M.Cr.Cs. arise out of the same crime number, they are being disposed of by this common order.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.198/2019 registered at police station Saraswati Nagar, District Raipur (CG) for the offence punishable under Sections 363,366, 328 and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act.

At the outset, counsel for the applicants in M.Cr.C. No.111/2020, submits that he seeks to withdraw the application with liberty to revive the same after examination of the prosecutrix.

As per prosecution case, report was lodged by the father of the prosecutrix that his daughter is missing. It is alleged that on the date of incident, when the prosecutrix was going to school in a van being driven by applicant Tulsi Chandrakar, on the way he stopped the vehicle and one of her friend namely Vikram Singh Chouhan came there, took her in his motorcycle to his aunt's house on the assurance of marrying her. It is further case of the prosecution that Vikram Singh

administered some toxic substance to her and thereafter committed rape on her by him and the co-accused persons. Later on, the prosecutrix was recovered from the custody of the applicant.

Contention of counsel for the applicants is that they have been falsely implicated in the case. He submits that the applicants are in jail since 12.12.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of allegation and detention period of the applicants, I am inclined to release them on regular bail. Accordingly, M.Cr.C. Nos. 537/2020 & 899/2020 filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- with one surety each for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

So far as the applicants in M.Cr.C. No. 111/2020 are concerned, the application is dismissed as withdrawn with the aforesaid liberty.

Sd/-

(Rajani Dubey)
Judge