

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 839 of 2020**

1. Deepak Singh S/o Niranjana Prasad Singh Aged About 27 Years Original Resident Of Village- Pakhariya, Police Station And District- Devghar, Bihar At Present Resident Of- Acc Colony Quarter No. 143 Jamul Bhilai, District- Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Maninder Singh Alias Manni S/o Dalbir Singh Aged About 27 Years Present Resident Of Village Matmi, Police Station And District- Gurdaspur, Punjab, At Present Resident Of Acc Colony, Labour Camp, Jamul Bhilai District- Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through, District Magistrate District- Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Shri B.P. Singh, Adv.
For Respondent	:	Shri Vinod Tekam, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****19/03/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.383/2017, registered at Police Station - Supela, District Durg (C.G.) for the offence punishable under Sections 456, 376 (D), 323, 506 IPC.
2. The prosecution story, in brief, is that on the basis of written complaint of the prosecutrix, on 09.05.2014, an FIR was registered against four unknown persons under Section 456 and 376(D) IPC. Allegation against the present applicants is that on 20.04.2014 at about 11.45 pm, they along with other accused persons entered the house of prosecutrix, committed rape with her and also assaulted her and her son

by hands and fists. Based on this, offence has been registered. The present applicants have been taken into custody on 02.01.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that there are as many as four accused persons including the present applicants and except present applicants, the prosecutrix has identified two accused persons namely Hansraj Nayak and Diwakar Nayak in Test Identification Parade. He also submits that the present applicants have been implicated and arrested only on the memorandum statements of the co-accused persons and nothing adverse has been reported against the present applicants. He also submits that the co-accused persons namely Hansraj Nayak and Diwaker Nayak who had been identified by the prosecutrix in TIP, have been acquitted by the trial Court vide order dated 20.08.2019. It is next submitted that the applicants are in custody since 02.01.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the prosecutrix has categorically stated against the present applicants that they have committed rape with her.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that other co-accused persons have been acquitted by the trial Court, the present applicants are in custody since 02.01.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde