

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2136 of 2020**

1. Ganesh S/o Satynarayan Shrivasa Aged About 23 Years Resident Of Village Lohrakot, Thana Baradwar, District Janjgir Champa Chhattisgarh.
2. Yogesh S/o Mahadev Sahu Aged About 20 Years, Resident Of Village Raipur , Thana Baradwar , District Janjgir Champa Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

MCRC No. 3629 of 2020

- Surendra Kumar Khara S/o Shubhash Khara Aged About 27 Years Resident Of Kaserpara Police Station Sakti Tahsil Sakti District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sakti , District Janjgir Champa Chhattisgarh.

---- Respondent

MCRC No. 5696 of 2020

- Santoshi Bai Dewangan, Aged About 35 Years W/o Narendra Kumar R/o Village- Mohondikala, P.S. Sakti, Presently Resided At Jhulkadam Ward No. 02 Sakti, District- Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- SHO-Sakti, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant in MCRC No.2136/2020:- Mr. Vikash Pandey, Adv.
For Applicant in MCRC No.3629/2020:- Mr. K.K. Pandey, Adv.
For Applicant in MCRC No.5696/2020:- Mr. Ishwar Jaiswal, Adv.
For Respondent-State :- Mr. K.K. Singh, G.A.

Proceedings through Video Conferencing

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

17/09/2020

1. Heard.
2. The applicants have preferred these applications under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime Nos.58/2020 and 56/2020 registered in Police Station Sakti, District – Janjgir Champa C.G. for the offence punishable under Sections 114, 366A, 376(2)(d) of the I.P.C. and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel appearing in MCRC No.2136/2020 and MCRC No.3629/2020 would pray for withdrawal of the bail applications with liberty to revive the prayer after examination of the prosecutrix.

4. Permission granted.
5. Accordingly, these two bail applications i.e., **MCRC No.2136/2020** and **MCRC No.3629/2020** are dismissed as withdrawn with the aforesaid liberty.
6. In MCRC No.5696/2020, Shri Ishwar Jaiswal, learned counsel for the applicant would argue that the applicant is wife of one of the accused and there can be no allegation of commission of rape against a lady, therefore, she is entitled for bail.
7. Applicant – Santoshi Bai Dewangan brought the prosecutrix to her house from railway station and thereafter her husband committed rape in her presence. Role of this applicant is no less serious than act committed by other accused persons. She being a lady should have saved the prosecutrix rather than throwing her to the lust of other accused persons.
8. No case for grant of bail to applicant – Santoshi Bai Dewangan in MCRC No.5696/2020 is made out.
9. Accordingly, **MCRC No.5696 of 2020** is rejected with liberty to revive the prayer after examination of the prosecutrix.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi