

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3489 of 2020

1. Murarilal Nishad, S/o. Kaliram Nishad, Aged about 35 years, Caste Kewat
2. Rajkumar Yadav, S/o. Shyam singh, Aged about 42 years, Caste Yadav

Both R/o Village Bandhatola, Police Station Mohla, District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through Police Station Mohla, Civil and Revenue District Rajnandgaon Chhattisgarh.,

---- Respondent

For Applicant : Shri Punit Ruparel, Advocate
For Respondent /State : Shri Vimlesh Bajpai, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/07/2020

Heard on admission.

Admit.

The applicants have filed this second 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. 123/2019 registered at police station Mohla, district Rajnandgaon (CG) for the offence punishable under Sections 456, 366(A), 376(D), 354, 506/34 IPC and Section 3(2)(V-A) of the SC./ST (Prevention of Atrocities) Act and

Sections 4 and 6 of the Protection of Children from Sexual Offences Act. The first bail application was rejected on merits vide order dated 28.02.2020 in M.Cr.C. No. 7576/2019.

Case of the prosecution in brief is that the applicants committed rape of the prosecutrix when she along with her friend had gone to their pond to look after the fishery.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He submits that the prosecutrix has not supported the prosecution case. He submits that the applicants are in jail since 19.09.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore they may be released on bail.

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 fact that the applicants have gang raped the prosecutrix and have threatened her for life, and also looking to the nature and gravity of the offence, I am not inclined to release them on regular bail. Accordingly, the application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge