

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3683 of 2020**

- Jainarayan Bhoi, S/o Taruni Bhoi, Aged about 35 years, R/o Village Bargaon, Police Station Basna, District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Office, Police Station (Ajak) Mahasamund District Mahasamund Chhattisgarh.

---- Respondent

with**MCRC No. 3674 of 2020**

- Rajjo @ Rajju Bharati, S/o Fatte Lal Bharati, Aged about 43 years, R/o Village Baktara, Post Godhi, Police Station Mandir Hasaud, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Office, Police Station (Ajak) Mahasamund, District Mahasamund, Chhattisgarh,

---- Respondent

For Applicants : Mr. Raghvendra Pradhan, Advocate.

For Respondent/State : Mr. Ayaz Naved, G.A.

For Objector : Mr. Anukul Biswas, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.07.2020**

- The accused/applicants have moved their first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 112/2020 registered at Police Station– (Ajak) Mahasamund, District- Mahasamund (C.G.) for the offence punishable under Sections 376(2)(A)(i), 376 (2)(B), 376(D) and 506 of Indian Penal Code and under Sections 3(2)(v)(A) and 3(2) (v) of the SC/ST (Prevention of Atrocities) Act, 1989.

- According to the prosecution story, the applicants along with three other co-accused committed forcibly intercourse with the prosecutrix namely Uttara Kosariya @ Uttara Kumari Kosariya by threatening her and thereafter they stated that they have taken video clipping and if she say anything else, they will viral the video and they show the video clipping to her and the prosecutrix was shocked and thereafter they regularly come to her and by catching and threatening her used to rape with her.
- Learned counsel for the applicants submits that the applicants are innocent person who have been falsely implicated in the aforesaid case. He further submits that the evidence collected by the prosecution are also not prima facie sufficient to hold the applicants guilty of the aforesaid offences. He next submits that the prosecutrix has already filed an affidavit before the Court and appeared with her counsel and stated that she has no objection regarding grant of bail to the applicants. He next contended that both the applicants are in jail since 05.03.2020, therefore, they may be granted bail.
- On the other hand, counsel for the State opposes the bail application and submits that the applicants have committed forcibly intercourse with the prosecutrix, therefore, they may not be enlarged on bail.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering that the prosecutrix filed her affidavit and appeared with her counsel through video conferencing in which she has stated nothing incriminating against the present applicants. The applicants are in jail since 05.03.2020 and 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 bail applications are allowed.

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

Sd/-
(Rajani Dubey)
Judge

Vasant