

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3567 of 2020**

Vishal @ Lala, S/o Shri Raju Suryawanshi Tendulkar, Aged About 21 Years (Wrongly Mentioned aged about 121 Years), R/o Mandi Road, Nayaktad, Akaltara, Police Station Akaltara, Civil & Revenue District- Janjgir-Champa (C.G.)

---- Applicant***Versus***

State of Chhattisgarh, Through: The District Magistrate Janjgir, Civil & Revenue District- Janjgir-Champa (C.G.)

---- Respondent***With*****M.CR.C. No. 3667 of 2020**

Bhuneshwar Anant, S/o Shri Dujram Anant, Aged About 34 Years, R/o Mandi Road Akaltara, Ward No. 16 P.S. Akaltara, District- Janjgir-Champa (C.G.)

---- Applicant***Versus***

State of Chhattisgarh, Through Police Station Akaltara, District- Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. Paras Mani Shriwas, Advocate.
(In M.Cr.C. No. 3567 of 2020)

For Applicant : Mr. Santosh Kumar Pandey, Advocate.
(In M.Cr.C. No.3667of 2020)

For Respondent/State : Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/08/2020**

- Both the above bail applications are heard and decided together by this common order as they are arising out of the same crime

number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 20/2020, registered at Police Station – Akaltara, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376, 34 of the I.P.C. and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicants submit that both the applicants have been falsely implicated in this case. There is no allegation made by the prosecutrix regarding participation of both the applicants in commission of offence of rape with her. Applicants- Vishal @ Lala & Bhuneshwar Anant are in jail since 22.02.2020 & 27.02.2020 respectively. The prosecution has given totally improbable story, which shows that both the applicants are innocent. Hence, it is prayed that both the applicants be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear and categorical statement given by the prosecutrix of age below 15 years against both the applicants regarding their participation in commission of offence of rape with her, therefore, they are not entitled for grant of bail. Hence, both the applications for grant of bail may be rejected.

5. On notice, the complainant had appeared on 14.07.2020 before this virtual Court through the Help Desk of the High Court of Chhattisgarh and she had made statement that she has strong objection in grant of bail to both the applicants.
6. Heard counsel for both the parties and perused the records.
7. According to the prosecution case, it is alleged that both the applicants along with one co-accused namely Shubham Anant abducted the minor prosecutrix and then, took her to a place where the prosecutrix was kept in confinement and she was raped by the co-accused on a number of occasions at the instance and instigation of both these applicants regarding which, FIR has been lodged.
8. Considered on the submissions and also the facts present in case diary. It is clear case in which, there is allegation against both these applicants regarding their direct participation acting in furtherance of common intention facilitating for commission of offence of rape with the minor prosecutrix. Therefore, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge