

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4333 of 2020**

1. Ajay Rai S/o Shri Santlal Rai aged about 21 years, R/o Village-Sarora, P.S. - Newra Tilda, Tahsil & District-Raipur, Chhattisgarh.
2. Naresh Tandan S/o Amrud Tandon aged about 22 years, R/o Village-Sarora, P.S. - Newra Tilda, Tahsil & District-Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : S.H.O. Nevra-Tilda, District-Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Hemant Gupta, Advocate.
For Respondent/State	:	Mr. Vikram Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18/08/2020**

1. The accused/applicants have moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 393/2019 registered at Police Station - Newra-Tilda, District-Raipur (C.G.) for the offence punishable under Sections 376(**?k**), 342/34, 506 of the IPC.
2. The first bail application of the applicants was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses by this Court on 16.12.2019 in MCRC No. 6960/2019.
3. The prosecution story in brief is that, on 13.09.2019 when the prosecutrix was not returned to her home after idol *Ganesh Visharjan* the co-accused Naresh & Lukesh took the prosecutrix to the house of the Naresh. Further it is alleged that the Naresh & Durgesh were stand outside and the present applicant Ajay Rai committed forcibly sexual intercourse with the prosecutrix. Thereafter applicant Naresh along with co-accused Lukesh came into room and threatened to the prosecutrix to commit sexual

intercourse otherwise they shall be viral obscene video of the prosecutrix, at that time when the prosecutrix has crying, the accused persons have ran away from the spot. Based on this, offence has been registered against the present applicants.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that medical report as well as the FSL report of the prosecutrix has not supported the prosecution case. He next submits that there is no seizure of any obscene video from the applicants. He also submits that the applicants are in jail since 14.09.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature, therefore, no case is made out for grant them bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the medical report as well as the FSL report has not supported the prosecution case and there is no seizure of any obscene video from the applicants. The applicants are in jail since 14.09.2019 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 application is allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge