

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4091 of 2020**

1. Rajaram S/o Bajarha Baiga, Aged About 25 Years R/o Village Katgo, Police Station Bhoramdev, District Kabirdham Chhattisgarh.
2. Manharan S/o Ramji Baiga, Aged About 22 Years R/o Village Bakela, Police Station Kukdur, District Kabirdham Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Taregaon Jungle, District Kabirdham Chhattisgarh

---- Non-Applicant**MCRC No. 4878 of 2020**

- Alok @ Aditya Meravi S/o Panchram Meravi Aged About 29 Years Resident Of Village Katgo, Police Station Raja Navagaon, Tahsil Bodla, District Kabirdham Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Taregaon Jangal, Tahsil Bodla, District Kabirdham Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Dharmesh Shrivastava and Shri Sudhir Verma, Adv.
 For Non-Applicant : Ms. Fouzia Mirza, Additional AG.

Proceeding Through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**

Order On Board

03/09/2020 :

1. The aforesaid MCRCs are being disposed of by this common order as they arise out of Crime No.10/2020 registered in Police Station Taregaon Jungle, District Kabirdham for offence under Section 376/34 of the IPC.
2. The prosecutrix belonging to a tribal community was subjected to sexual intercourse in a moving mortuary van.
3. It is argued that the rape has been committed by the applicant Alok @ Aditya Meravi and the other applicants were only present in the vehicle. Therefore, they are entitled for bail.
4. For applicant Alok @ Aditya Meravi, it is argued that sexual intercourse in a moving vehicle is not possible unless the prosecutrix is a consenting party.
5. Statement of the prosecutrix finds support from the statement of witness Bhuwandas Banjari.
6. Considering the nature of allegations and the material available in the case diary, no case for grant of bail is made out. Accordingly, the applications are rejected.

Sd/-
Judge
(Prashant Kumar Mishra)