

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4394 of 2020**

1. Bhaiyalal son of Mohan, aged about 31 years,
2. Haridayal son of Raghuveer, aged about 32 years,
3. Shiv Shankar Son of Aman Singh, aged about 36 years,

All are resident of Village- Amjhar, Police Station Passan, District Korba Chhattisgarh.

---- Applicants

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Passan, District Korba, Chhattisgarh.

---- Respondent

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| For Applicants | : | Mr. S.S. Painkra, Advocate. |
| For Respondent | : | Mr. Rahul Jha, G.A.         |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****18.08.2020**

- The accused/applicants have moved this 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. 64/2020 registered at Police Station - Passan, District Korba (C.G.) for the offence punishable under Sections 366, 376(2)(n), 506/34 of the IPC.
- The allegation against the applicants, as per the prosecution case, is while the prosecutrix was behind her house for urination, they took her away forcefully by gagging her mouth and applicant No. 1 Bhaiyalal committed sexual intercourse with her against her will. Based on that, after investigation, offence has been registered against the applicants and they have been arrested.

- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that there is about one month's delay in lodging the FIR which raise serious doubt in the prosecution case. He next submitted that there is no allegation of rape against the applicants No. 2 & 3. A Social Meeting was held regarding the matter where the prosecutrix' family members made demand of Rs. 50,000/- in the name of settlement of the matter and, because applicants have failed to pay the same, the complainant lodged the FIR against the applicants. The applicants are in jail since 24.06.2020 and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.
- On the other hand, counsel for the State strongly opposes the bail application.
- 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, as 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.
- 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 said Court on each and every date given to them by the said Court.

Sd/-  
**(Rajani Dubey)**  
Judge