

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4996 of 2020**

1. Bisauha Marar S/o Babulal Marar Aged About 50 Years
2. Ramhu Halba alias Ramu S/o Late Murha Halba Aged About 56 Years

Both R/o Badgaon Charbhata, Police Station Dongargaon,
District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Police Station Dongargaon,
District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. SS Baghel, Advocate
Mr. KK Singh, Government Advocate

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****17/9/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.250/2019 registered at Police Station Dongargaon, District Rajnandgaon

(CG) for the offence punishable under Sections 376, 376 (*gha*) 342, 506 of IPC, Sections 4, 5 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Although there is allegation of commission of gang rape by the present applicants but when examined in the Court, the prosecutrix has specifically stated that the present accused persons have not committed rape. Her mother examined as PW-2 has also turned hostile.
4. Today, Laxman, father of the prosecutrix, has appeared through the High Court Help Desk and would oppose the prayer for grant of bail. However, he himself has turned hostile before the trial Court. His deposition has been filed in the record of the present bail application.
5. In para 8 to 13 of the statement of Laxman, he has not supported the prosecution and instead, has admitted that there is groupism in the village and the accused persons belong to a different group.
6. Considering the material available in the record, I am inclined to release the applicant on regular bail.
7. Accordingly, the bail application is allowed and he is directed to be released on bail on his furnishing a personal bond for a sum

of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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