

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder Reserved on 04.11.2020Order Delivered on 25.11.2020MCRC No. 4900 of 2020

- Deepak Singh S/o Ugrasen Singh Aged About 22 Years R/o Jabadapara, Thana- Sarkanda, District- Bilaspur, (C.G.) (father's name wrongly mentioned in lower court order dated 15.06.2020)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Thana- Sarkanda, District- Bilaspur, (C.G.), ---- Respondent

MCRC No. 6103 of 2020

- Yogesh Verma S/o Bhuneshwar Singh Verma Aged About 21 Years R/o Jabdapara, Punibaba Gali, Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh. ---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondent

For Appellant in MCRC No.4900/2020 :-Mr. Neeraj Choubey, Advocate

For Appellant in MCRC No.6103/2020 :-Mr. Goutam Khetrapal,
Advocate

For Respondent/State :-Mr. Vikram Sharma, Dy.G.A.

For Objector :-Mr. R.K. Gupta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

CAV Order

1. Since these two bail applications are arising out of same crime i.e. Cr.No. 75/2020 they are being considered and decided by this common order.
2. The applicants have preferred these applications under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.75/2020 registered in Police Station Sarkanda, District Bilaspur C.G. for the offence punishable under Sections 376, 34 of the I.P.C. and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, when the prosecutrix and her younger sister were returning at about 2.00 pm from the Police Ground after witnessing the Republic Day function on 26.01.2020 accused persons Deepak Singh (applicant in MCRC No.4900/2020), Maitalu @ Sandeep and Saate @ Rohit abducted them on the pretext of dropping at their house but instead of dropping them at their house they were taken to a lonely place at Birkona Road where accused Rahul was standing. At this place accused - Yogesh Verma (applicant in MCRC No.6103/2020) reached there on a motorcycle and forcibly brought down the prosecutrix from the car; took her to a dilapidated building; and started flirting with her. When the prosecutrix objected and resisted she was assaulted by belt and

was administered chocolate mixed with psychotropic substance and committed forcible sexual intercourse. The other accused persons took away the informant (sister of the prosecutrix) and dropped her at her house.

4. It is argued that accused - Rahul Dewangan has already been released on bail. The allegation against Deepak Singh is similar to Rahul Dewangan, as this applicant was also not involved in commission of rape, therefore, he is entitled to be released on bail. For applicant - Yogesh Verma, it is argued that both the sisters were together yet the accused persons were not named at the initial stage. The Test Identification Parade (TIP) itself was conducted after considerable lapse of time i.e., on 20.02.2020
5. Per contra, learned State counsel would oppose the prayer for grant of bail. He would submit that medical report is positive for sexual assault as well as administration of psychotropic substance. The prosecutrix was found to have sustained injuries over her body and vagina as well.
6. Learned counsel for the objector would submit, in addition, that the accused - Deepak Singh was involved in abduction of both the sisters, as he was driving the car which was used for abduction.

7. Having heard learned counsel for the parties and perusal of the case diary, it appears accused - Deepak Singh was driving the car in which the prosecutrix and her sister were abducted and taken to a lonely place. Had abduction been not accomplished rape would not have happened. There is no dispute about the identity of the accused persons. The prosecutrix is aged about 15 years 07 months. Thus, considering the statement of the prosecutrix and her medical report together with her age, this Court is not inclined to release the applicants on bail.

8. Accordingly, both the bail applications are rejected.

SD/-

(Prashant Kumar Mishra)
Judge

Gowri