

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6353 of 2020**

1. Tej Pratap Singh, S/o. Suddhu Singh, aged about 19 years, Caste Gond.
2. Indra Pratap Singh, S/o. Sukhram Gond, aged about 19 years, Caste -Gond,

Both are R/o. Village Bundeli Police Station -Jhagrakhand, District Koriya Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through ; Station House Officer, Police Station Khadgawan, District - Koriya Chhattisgarh.

---- Respondent

For Applicants	: Mr. Shakti Raj Sinha, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/10/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.26/2020, registered at Police Station – Khadgawan, District – Koriya (C.G.) for the offence punishable under Section 363, 366 (A), 376 (2) (n), 34 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case by the complainant and the prosecutrix by lodging false FIR against them. The story of the

prosecution is totally improbable. The applicants are in jail since 15.02.2020. Charge-sheet in this case has been filed after completion of investigation. Hence, it is prayed that the applicants may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear statement given by the minor prosecutrix regarding the commission of offence of rape by the both the applicants, therefore, they have no entitlement for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that a missing report mentioning that the prosecutrix of age 16 years and 5 months was missing from 27.01.2020. The prosecutrix was recovered from the custody of her maternal uncle on 14.02.2020, when she gave statement that after she left, the applicant no.1 abducted her and forcefully committed the offence of rape on 04.02.2020 and there is similar allegation against the applicant No.2 that he abducted her and raped her on 05.02.2020. Thereafter, the prosecutrix on her own went to the house of maternal uncle, from where she was recovered.
6. Considered on the submissions made. Looking to the facts of the case and after over all consideration, this Court is of the opinion that present is a fit case, in which, both the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram