

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8463 of 2019**

1. Balram Yadav S/o Bahorik Yadav Aged About 19 Years Caste Yadav, R/o Village Udaynagar, Madanpali, District Korba, Chhattisgarh.
2. Anil Patel S/o Laxman Patel Aged About 19 Years R/o Village Udaynagar, Madanpali, District Korba, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Ajak, District Korba, Chhattisgarh.

---- Respondent**With****MCRC No. 6315 of 2019**

- Ajay Kumar S/o Bahorik Yadav Aged About 19 Years Caste Yadav, R/o Pali Tahsil And P.S. Pali, District- Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, P.S. Darri, District- Korba, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Lalit Jangde, Adv.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/03/2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. Pursuant to order of this Court complainant/informant namely Laxmin Anchal mother of the prosecutrix is present today before this Court with notice. On being asked she has not made his objection regarding grant of bail to the applicants.

3. The accused/applicants have moved these first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 71/2019 registered at Police Station Ajak, District-Korba (C.G.) against the applicants Balram Yadav and Anil Patel in MCRC No. 8463/2019 for the offence punishable under Sections 363, 366, 376, 34 of the IPC, 4, 6 of POCSO Act and 3(2)(v) of SC/ST (Prevention of Atrocities) Act and registered at Police Station Darri, District-Korba (C.G.) against the Ajay Kumar in MCRC No. 6315/2019 for the offence punishable under Sections 363, 366, 376 of IPC and 4, 6 of POCSO Act.
4. The prosecution story, in brief is that, on 15.05.2019 complainant lodged a report and on that police registered the case and on 18.05.2019 police recovered the prosecutrix, recorded her statement on which prosecutrix stated that the applicants Ajay Patel, Balram and Anil Patel committed sexual intercourse after administering liquor to the prosecutrix. Based on this, offence has been registered against the present applicants.
5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the prosecutrix has not supported the prosecution case in her 164 statement and the applicants are in jail since 21.08.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the prosecutrix has not supported the prosecution case in her

164 statement. The applicants are in jail since 21.08.2019, and 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 applications are allowed.

9. 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 trial Court on each and every date given to them by the said Court.

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