

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7576 of 2019**

1. Murarilal Nishad S/o Kaliram Nishad Aged About 35 Years Caste Kewat, R/o Village Bandhatola, Police Station Mohla, District Rajnandgaon, Chhattisgarh.
2. Rajkumar Yadav S/o Shyam Singh Aged About 42 Years Caste Yadav, R/o Village Bandhatola, Police Station Mohla, District Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

- The State Of Chhattisgarh Through- The Police Station Mohla, Civil And Revenue District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants.	:	Mr. Punit Ruparel, Advocate.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.02.2020**

1. 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. 123/2019 registered at Police Station - Mohla, District Rajnandgaon (C.G.) for the offence punishable under Sections 456, 366(A), 376(D), 354, 506, 34 of the IPC, Section 3(2)(V-A) of Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act and Sections 4 & 6 of POCSO Act.
2. As per the prosecution case, on 16.09.2019 at about 23:45 o'clock, when the prosecutrix was sleeping with her female friend, at that time, applicants knocked the door of her house, when they opened the door, applicants gagged their mouth and took them near the forest. The friend of the prosecutrix escaped from there. After that, the applicants

committed rape on her and threatened her not to disclose the fact to anyone. Based on that, offence has been registered against the applicants and they have been arrested.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He next submits that there is no injuries in the body of the prosecutrix in the medical report. The applicants are in jail since 19.09.2019 and they are ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicants may be released on bail.
4. Per contra, State counsel strongly opposes the bail application and submits that the prosecutrix herself in her 164 Cr.P.C. statement clearly mentioned the name of the applicants, therefore, they may not be granted bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature and gravity of the crime, detention period of the applicants and age of the prosecutrix, at this stage, I am not inclined to release them on bail.
7. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected.

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