

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 220 of 2021**

Virendra Singh Rajput S/o Shri Ghanshyam Singh Rajput, Aged About 30 Years R/o Village - And Post - Sildaha, Police Station And Tahsil - Pathariya, District - Mungeli Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through - Station Incharge Officer, Police Station - Sarkanda, Civil And Revenue District - Bilaspur Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 1284 of 2021**

Devanand Kenwat S/o Shri Komal Prasad Kenwat Aged About 28 Years R/o Village- Kasdol, Ps- Balaoda- Bazar, District- Bhatapara- Balodabazar, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through SHO Sarkanda, District- Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Lav Sharma and Shri Dheerendra Pandey, Advocates.
For the Respondent/State	:	Shri Akhtar Hussain, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.02.2021**

Heard.

1. Both these applications are decided by a common order as they arise from the same crime number. These are the first bail applications of the applicants 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.977 of 2020, registered at Police Station Sarkanda, District – Bilaspur, Chhattisgarh for the offence punishable under

Sections 376 and 376(D)/ 34 of the Indian Penal Code, Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 6.12.2020 and they have been falsely implicated in this case, which is very clearly reflected from the chronology of the events. The date of incident mentioned as 5.8.2020, whereas, the FIR was lodged on 20.10.2020 on the written complaint given by the prosecutrix. The name of these applicants is not reflected in the FIR. In the statement of the prosecutrix under Sections 161 and 164 of the Cr.P.C. that was recorded on 21.10.2020, the name of these applicants was again not reflected. The prosecutrix made a complaint on 9.11.2020 to the Superintendent of Police, in which she complained against these applicants regarding making phone-calls and threatening her. Surprisingly, the statement of the prosecutrix was again recorded on 8.12.2020 under Section 164 of the Cr.P.C., in which she made allegation against these applicants regarding commission of offence of gang rape which is totally false and concocted. In the present scenario, the complainant/ prosecutrix has no objection in grant of bail to the applicants. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the statement under Section 164 of the Cr.P.C. recorded on 8.12.2020

clearly alleges the commission of gang-rape against these applicants. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. The prosecutrix/ complainant is present in person before this Court on notice. She stated that she has no objection in grant of bail to these applicants.

5. Heard counsel for both the parties and perused the case diary.

6. The minor prosecutrix lodged FIR on 20.10.2020, stating that co-accused – Sonu Sahu allured the minor prosecutrix with a false promise to marry her and had physical relation with her on three occasions. Subsequently, co-accused – Sonu Sahu refused to marry the prosecutrix, therefore, she has lodged the FIR. After recording the statement under Sections 161 and 164 of the Cr.P.C. on 21.10.2020, the name of these applicants appeared for the first time in the statement under Section 164 of the Cr.P.C. recorded on 8.12.2020.

7. Considered the submissions and the facts that are present in the case. Looking to the gradual development in the story of the prosecution and also looking to the statement of no objection made by the complainant side, I feel inclined to allow both the bail applications.

8. Accordingly, both the bail applications are hereby allowed.

9. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge