

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1303 of 2021

- Vinod Sahu S/o Shri Panchram Sahu, Aged About 28 Years R/o Village Dharampura, Ward No. 2, Near Shiv Nagar, Mungeli, District Mungeli (Wrongly Mentioned As Bilaspur In The Order Sheet) (Chhattisgarh), Present Address Village Pipariya, Police Station Pasan, Tahsil Katghora, District Korba Chhattisgarh,

---- **Applicant**

In Jail

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station A.J.K., Korba, District Korba (Chhattisgarh)

---- **Non-Applicant**

MCRC No. 1307 of 2021

- Rukmani Prajapati W/o Shri Bhagat Ram Prajapati, Aged About 35 Years R/o Village Sirri, Police Station Pasan, District Korba (Chhattisgarh)

---- **Applicant**

In Jail

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station AJK, District Korba (Chhattisgarh)

---- **Non-Applicant**

For Applicants	:	Shri Dharmesh Shrivastava, Advocate.
For State	:	Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order On Board

17/08/2021

Since both these applications filed under Section 439 of CrPC

arise out of the same Crime No.85/2020 registered at Police Station – AJK, Korba (CG) for the offence punishable under Sections 363, 376, 120B, 34 of IPC, Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they are being disposed of by this common order.

02. Case of the prosecution, in brief, is that on 12.8.2020 applicant Rukmani Prajapati along with the complainant and another victim were going for picnic to Amarkantak after hiring a vehicle in which applicant Vinod Sahu and co-accused Aman were also sitting. The said vehicle was being driven by co-accused Bharat Chauhan. However, on the way, the vehicle was stopped at the instance of applicant Rukmani at about 8.30 pm; applicant Rukmani went away with the driver Bharat Chauhan whereas co-accused Aman committed forcible sexual intercourse with the complainant/prosecutrix and applicant Vinod Sahu committed rape with another victim in the vehicle itself.

03. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in this case. No act as alleged has been committed by them. Even as per the prosecution case, no forcible sexual intercourse was committed by applicant Vinod Sahu with the minor girl. He submits that charge sheet has already been filed, nothing is required to be seized from them, they are in jail since 19.8.2020, there is no criminal antecedents of the applicants and due to Covid-19 conclusion of the trial is likely to take some time.

04. On the other hand, learned counsel for the State opposes the bail applications. However, he admits that the applicants have no

criminal antecedents.

05. Heard learned counsel for the parties.

06. So far as bail application of applicant Vinod Sahu i.e. MCrC No.1303/2021 is concerned, considering the facts and circumstances of the case, the nature of allegation made against him, the statements of the complainant/prosecutrix and the victim under Section 164 of CrPC, without commenting anything on merits of the case, I am not inclined to release him on bail. Accordingly, MCrC No.1303/2021 is rejected.

07. As regards the application of applicant Rukmani Prajapati i.e. MCrC No.1307/2021, considering the nature of allegations leveled against her, the statements of the complainant/prosecutrix and the victim under Section 164 of CrPC, the fact that there is no allegation against the applicant that she in any manner assisted or instigated the other co-accused for commission of the crime, the detention period of the applicant who is 35 years old, charge sheet has already been filed, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed. It is directed that in the event of applicant **Rukmani Prajapati** executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, she shall be released on bail on the following conditions:-

- (i) she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of

the case so as to dissuade him/her from disclosing such fact to the Court,

- (ii) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- (iv) she shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) she shall not involve herself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving herself in similar offence in future.

08. In the result, MCrC No.1303/2021 filed by applicant Vinod Sahu is rejected whereas MCrC No.1307/2021 filed by applicant Rukmani Prajapati is allowed on the aforesaid terms and conditions.

Sd/

Gautam Chourdiya
Judge

Khan