

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1505 of 2021**

1. Gajanand Sahu S/o Bhagat Ram Sahu Aged About 19 Years R/o Chhatan, Police Station Fastarpur, District -Mungeli Chhattisgarh.
2. Shyam Kumar Sahu S/o Ramkhilawan Sahu Aged About 21 Years R/o Chhatan, Police Station Fastarpur, District Mungeli Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Officer In Charge Of Police Station - Lalpur, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pallav Mishra, Adv.
For Respondent/State	:	Ms. Ishwari Ghritlahre, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/02/2021**

Heard.

1. The accused/applicants have moved this **third bail** application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 122/2018 registered at Police Station - Lalpur, District-Mungeli (C.G.) for the offence punishable under Sections 363, 366, 376(घ)(क), 342, 34, 376(3) of the IPC, 5(घ)6, 4 of Protection of Children from Sexual Offences Act and 3(2) (V) of SC/ST (Prevention of Atrocities) Act.
2. The earlier bail applications of the applicants were dismissed by this Court on 06.01.2020, 25.02.2020 and on 23.09.2020 in MCRCs No. 5794/2019, 7984/2019 and 23.09.2020 respectively.
3. The prosecution story, in brief is that, the applicants along with other co-accused abducted the prosecutrix while she

was returning home from school and they detained her and committed rape on her. Based on this offence has been registered against the present applicants and arrested them on 20.03.2019.

4. 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 this is repeated bail application only on the ground of medical report of the victim girl, as per the medical report there is no internal injury found in the private part of the victim girl. He next submits that the prosecution has failed to produce any independent document or witness that could reveal that the present applicants were involved in the said crime. He also submits that the applicants are in jail since 20.03.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the applicants along with co-accused person have committed rape with the prosecutrix. Statement of the prosecutrix has been recorded and in which she has clearly stated that the applicants with one other co-accused person detained her and committed gang rape, therefore, the present applicants may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release them on bail.
8. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected.

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