

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1603 of 2021

1. Abhishek Singh, S/o Ramnarayan Singh, Aged About 18 Years.
 2. Thaneshwar Singh, S/o Jageshwar Ram, Aged About 25 Years.
- Both R/o Rampur, Police Station- Chalgali, District- Balrampur-
Ramanujganj (C.G.)

--- Applicants

Versus

State of Chhattisgarh, through Arakshi Kendra Chalgali, District-
Balrampur-Ramanujganj (C.G.)

--- Respondent

For Applicants	:	Mr. Dev Ashish Biswas, Advocate.
For State/ Respondent	:	Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03/03/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. This is the first bail application 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. 137/2019, registered at Police Station- Chalgali, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under

Section 363, 366(A), 354, 376(D), 365, 394, 506, 323, 34 of IPC and Section 4, 6, 8 of the Protection of Children from Sexual Offences Act, 2012.

6. Learned counsel for the applicants submits that the applicants are in jail since 29.11.2019 and have been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the case of the prosecution, therefore, no case is left against the applicants. Hence, it is prayed that the applicants may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that there are other witnesses to be examined in the trial, who may establish the case of the prosecution. Hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. The case of the prosecution is this, that these applicants used to harass and outrage modesty of the minor prosecutrix on numerous occasions. On the date of incident, both the applicants forcibly abducted the minor prosecutrix and then, committed the offence of rape with her.
10. Considered on the submissions and the facts present in this case. Perused the certified copy of deposition of the prosecutrix, which shows that she is hostile witness and she has not at all supported the case of the prosecution. Looking to this development, I feel inclined to allow the bail application of these

applicants.

11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
12. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- each with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun