

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1599 of 2021**

- Pradeep Gendre S/o Jivan Gendre Aged About 25 Years R/o Village- Tipni, Police Station- Thankhamhariya, District- Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Thankhamhariya, District- Bemetara, Chhattisgarh.

---- Respondent

MCRC No. 1748 of 2021

- Manish Kumar Markandey S/o Manoj Markandey Aged About 23 Years R/o Village Tipni Police Station Than Khamhariya District Bemetara Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer Police Station Than Khamhariya District Bemetara Chhattisgarh

---- Respondent

MCRC No. 1765 of 2021

- Komal Markandey S/o Barnu Markandey Aged About 25 Years R/o Village Tipni Police Station Than Khamhariya District Bemetara Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer Police Station Than Khamhariya District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Respondent

For Applicants : Shri Suresh Kumar Verma and Shri
Rajkumar Pali, Advocates
For Respondent /State : Smt. Fouzia Mirza, Addl. AG

Hon'ble Smt. Justice Rajani Dubey
Order On Board By Virtual Hearing

12/05/2021

As the above three M.Cr.Cs. arise out of the same crime number, they are being disposed of by this common order.

The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 173/2020 registered at police station Than Khamhariya, district Bemetara (CG) for the offence punishable under Sections 327,328,506,451,376,109 IPC and Sections 4,5 and 6 of the POCSO Act.

Case of the prosecution in brief is that on the dte of incident, the co-accused Azhar threatened the prosecutrix to provide some intoxicating substance in the food consumed by her parents as a result of which they fell unconscious. It is further case of the prosecution that at about 11.00 pm, said Azhar with the help of co-accused asked the prosecutrix to come to the roof of his house and from there they took her through a ladder inside the house where he committed rape with her on the pretext of marriage. It is alleged that the applicants have helped the applicant in committing the rape.

Counsels for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is

submitted that similarly placed co-accused have been granted bail by this Court in M.Cr.C. No. 9422/2020 and 9141/2020 vide order dated 04.02.2021 and therefore the present applicants may also be granted similar benefit. It is further submitted that the applicants are in jail since 21.11.2020 and 14.12.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail applications.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants and the fact that similarly placed co-accused have been granted bail by this Court, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

Sd/-

(Rajani Dubey)
Vacation Judge