

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1964 of 2021

- Tarun Patil S/o Nanhu Ram Patil Aged About 39 Years R/o Rakhi, Post Tarra, Police Station Patan, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Rakhi, District Raipur Chhattisgarh

---- Non-applicant

And

M.Cr.C. No. 2196 of 2021

1. Parasram S/o Chhatar Ram Aged About 48 Years R/o Achanakpur, Police Station Utai, District Durg Chhattisgarh
2. Rajesh @ Raju S/o Premdas Manikpur Aged About 27 Years R/o Achanakpur, Police Station Utai, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Rakhi, District Raipur Chhattisgarh

---- Respondent

For Applicants	: Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant/State	: Mr. Alok Nigam, Govt. Advocate.
For Objector	: Mr. C.R. Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-06-2021

Heard.

1. As both these applications arise out of the same crime numbers i.e. Crime No.137/2020, registered at P.S.- Rakhi, District- Raipur (C.G.) for the offence under Sections 363, 366, 376(D) and 506(b) of I.P.C. Act and Sections 4 & 6 of POCSO Act, they are being decided by this common order.
2. It is submitted by learned counsel for the applicant that the applicants

are in jail since 30.12.2020. The F.I.R. has been lodged and the statement given by the prosecutrix, both are totally false without any basis and such statement has been given on account of previous enmity. Therefore, it is prayed that both these applications may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix is consistent in her statements under Sections 161 and 164 of Cr.P.C. that she was gang-raped by applicants in both the cases. Therefore, there is no case present for grant of bail to the applicants.
4. Learned counsel for the objector adopts the arguments advanced by the learned State counsel and objects to the grant of bail to these applicants.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the minor prosecutrix was gang-raped by the applicants on 19.04.2021 and this offence was again repeated on 24.12.2020 as a result of which, the minor prosecutrix became pregnant. Subsequent to which, the F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions, as there is clear evidence present against the applicants in both the cases regarding the commission of offence of gang-rape, therefore, I am of this view that these are not fit cases for grant of bail to the applicants.
8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby rejected.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika