

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4389 of 2021**

1. Vinod Tandiya, S/o. Shri Krishna Tandiya, aged about 19 years, Caste Panika, R/o. Village Bhumka, P.S. Janakpur, District Korea Chhattisgarh.
2. Rampal, S/o. Shri Dhaniram, aged about 28 years, Caste - Panika, R/o. Village Kunwari, P. S. Janakpur, Tahsil Bharatpur District Korea Chhattisgarh.

---- Applicants**Versus**

The State of Chhattisgarh, Through : P. S. Janakpur, District Korea Chhattisgarh.

---- Respondent

For Applicants	: Mr. Hemant Kumar Agrawal, Advocate
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/09/2021**

1. 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.79/2020, registered at Police Station – Janakpur, District – Korea (C.G.) for the offence punishable under Section 450, 376 (D) of the Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 27.06.2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is no case present against this applicant. Hence, it is prayed that the applicants may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is a case of gang rape and the diary statement of the prosecutrix is clearly against the applicants, therefore, the application be rejected.
4. The prosecutrix is virtually present before this Court on notice through the Help Desk of T.L.S.A., Janakpur. She has no objection in grant of bail to the applicants.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, on the date of incident, both these applicants made forceful entry in the house of the minor prosecutrix and then they committed gang rape with her.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix, which is filed along with the bail application, which shows that she has not supported the prosecution case, for which she was declared hostile by the prosecutor. Hence, looking to this development in the trial, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- 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

Balram