

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3328 of 2021**

- Mahendra Nayak S/o Sonuram Nayak Aged About 33 Years R/o Village- Lakhagarh, Police Station And Tahsil- Pithora, District- Mahasamund , Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer- Police Station- Basna, District- Mahasamund, Chhattisgarh.

---- Non-Applicant

MCRC No. 4620 of 2021

- Bhola Sarthi @ Anoop Sarthi S/o Late Bharat Aged About 30 Years R/o. Village Lakhagarh, Peepalpara Lakhagarh, P.S. Pithora District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police P.S. Basna, District Mahasamund Chhattisgarh.

---- Non-Applicant

For Applicant : Shri R. Pradhan and Shri Priyank Rathi, Advocates.
For Non-Applicant : Shri VR Tiwari, Additional AG.

Proceeding Through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag CJ****Order On Board****23/07/2021 :**

1. The aforesaid MCRCs are being disposed of by this common order as they arise out of Crime No.421/2020 registered in Police Station: Basna

District Mahasamund for offence under Section 354, 376 (2)(n), 509 (B), 201, 456/34, 506 and 366/511 of the IPC and Section 66 (E) of the Information Technology Act.

2. Applicant Mahendra Nayak had previous acquaintance with the prosecutrix. On 4.5.2020, both of them were moving on motorcycle proceeding towards the village of the prosecutrix' maternal uncle. Applicant Mahendra allegedly committed forcible sexual intercourse when they were on way. This incident was not reported by the prosecutrix on alleged threat extended by the accused Mahendra Nayak. On 29.8.2020, Mahendra Nayak and Bhola Sarthi went to the house of the prosecutrix in an Alto Car. While Mahendra entered the house of the prosecutrix, Bhola Sarthi was waiting outside. Mahendra Nayak tried to abduct the prosecutrix but the same did not materialize and later on both of them ran away in the Alto Car.
3. Considering that the prosecutrix is aged 19 years; there was previous acquaintance between accused Mahendra Nayak and the prosecutrix; the incident of rape was not disclosed for more than 3 months, thus causing delay in lodging the FIR about first incident and for the fact that applicant Mahendra Nayak is in jail since 6.3.2021 whereas applicant Bhola Sarthi is in jail since 19.5.2021 and charger sheet has already been filed, I am inclined to release them on bail.
4. Accordingly, the applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice