

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4394 of 2021**

Sandeep Kashyap, S/o. Shri Naval Kashyap, aged about 19 years, R/o. Tikrapara, P. S. City Kotwali, District Bilaspur Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station – Tarbahar, District Bilaspur Chhattisgarh

---- Respondent

M.CR.C. No. 4805 of 2021

Rinku Rajak @ Rishu, S/o. Balwant Rajak, aged about 20 years, R/o. Tikrapara, in front of Bal Grocery Store, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station – Tarbahar, District Bilaspur Chhattisgarh

---- Respondent

AND**M.CR.C. No. 6755 of 2021**

Sheikh Ramjan @ Gagga S/o Sheikh Rahim, Aged About 20 Years R/o Tikrapara, Police Station Kotwali District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Tarbahar District Bilaspur Chhattisgarh

---- Respondent

For Applicant (in M.Cr.C. No.4394/21) : Mr. Dheerendra Pandey, Advocate

For Applicant (in M.Cr.C. No.4805/21) : Mr. Prasoon Agrawal, Advocate

For Applicant (in M.Cr.C. No.6755/21) : Mr. Suresh Kumar Verma, Advocate

For Respondent/State : Ms. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/09/2021

1. All the above bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
2. These are the first bail applications 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.249/2020, registered at Police Station – Tarbahar, District – Bilaspur (C.G.) for the offence punishable under Section 376 (2) (a) 376 (D), 363, 506-2, 34 of the Indian Penal Code and Section 4 & 6 and 11 (V)/12 of Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case as well as she has not identified these applicants. Therefore, there is no case present against these applicants. Hence, it is prayed that the applicants may be released on bail.
4. 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 there are other witnesses to be examined, who may establish the prosecution case, therefore, the application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that these applicants gang raped the minor prosecutrix after putting her under threat that they have in their possession some video and photo of the prosecutrix,

which they will make viral if the prosecutrix does not submit to them.
Hence, this case.

7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix, which is filed along with the bail application M.Cr.C. No.4394 of 2021. On perusal of the same, it is found that the prosecutrix has not supported the prosecution case for which she was declared hostile and cross-examined by the prosecutor, hence, looking to this development in the trial against the applicants, 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 applications filed under Section 439 of the Cr.P.C. are 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 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