

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6135 of 2020

1. Ajay Das Manikpuri, S/o Chain Das Manikpuri, Aged About 20 Years, Caste- Panika.
2. Yogesh Kumar Sahu, S/o Jagram Sahu, Aged About 20 Years, Caste- Teli.

Both are R/o Village- Sutli, Police Outpost- Giraudpuri, Police Station- Gidhauri, District- Balodabazaar (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through Station House Officer Police Station- Gurur, District- Balod (C.G.)

--- Respondent

For Applicants : Mr. Vijay Kumar Sahu, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/02/2021

1. At the very outset, learned counsel for the applicants seeks permission of this Court to withdraw the bail application of applicant No. 1- Ajay Das Manikpuri.
2. In view of the above, the bail application of applicant No. 1- Ajay Das Manikpuri, is dismissed as withdrawn.
3. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant No. 2- Yogesh Kumar Sahu, who has been arrested in connection with Crime No. 61/2020, registered at Police Station- Gurur, District- Balod (C.G.) for the offence punishable under

Section 363, 109, 376 (घ), 342/34 of IPC and Section 4, 5 (घ), 6, 17 of the Protection of Children from Sexual Offences Act, 2012.

4. Learned counsel for the applicant submits that there is no allegation of commission of the rape with the minor prosecutrix against applicant No. 2- Yogesh Kumar Sahu. On similar grounds, two co-accused persons namely Praveen Kumar Shrivastava & Umesh Kumar Thakur, have been granted bail by this Court in MCRC No. 2599 of 2020 vide order dated 16.07.2020. The case of applicant No. 2 is similar, hence, it is prayed that this applicant may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application submitting that according to the statement of the prosecutrix, it was in the house of applicant No. 2, the minor prosecutrix was ravished and raped by the co-accused persons. Applicant No. 2 has facilitated in the crime, therefore, no case is made out for grant of bail to this applicant. Hence, the application for grant of bail may be rejected.
6. Notice was issued to the complainant- Shivnarayan, who gave appearance before this Court on 12.01.2020 and he objected in grant of bail to the applicants.
7. Heard counsel for both the parties and perused the records.
8. The case of the prosecution is this, that on 11.02.2020, the co-accused namely Deepika allured the minor prosecutrix and took her to the places with the help of other co-accused persons. On 13.02.2020, the minor prosecutrix and the other co-accused

persons arrived in the house of applicant No. 2- Yogesh Kumar Sahu, where they stayed at night. The prosecutrix has alleged in her statement under Section 164 of the Cr.P.C. that the co-accused persons have raped her.

9. Considered on the submissions and the facts present in this case. Considering that the case of applicant No. 2- Yogesh Kumar Sahu, is similar to the case of other co-accused persons namely Praveen Kumar Shrivastava and Umesh Kumar Thakur, who have been released on bail, I am of this view that it would be proper to release applicant No. 2- Yogesh Kumar Sahu on regular bail, hence, I feel inclined to grant bail to applicant No. 2- Umesh Kumar Sahu in this case.
10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of applicant No. 2- Yogesh Kumar Sahu, is allowed.
11. It is directed that applicant No. 2- Yogesh Kumar Sahu shall be released on bail on his 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 his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge