

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 924 of 2021**

1. Sarvjeet Yadav S/o Basdev Yadav Aged About 63 Years
2. Vivek Yadav S/o Sarvjeet Yadav Aged About 38 Years
3. Dhananajay Yadav S/o Sarvjeet Yadav Aged About 36 Years
4. Ravishankar Yadav S/o Sarvjeet Yadav Aged About 32 Years

All R/o Village Mahnaee, Caste-Ahir, Police Chaouki-Pandrapath, Police Station- Bagicha, District- Jashpur, Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through- Police Chouki- Pandrapath, Police Station- Bagicha, District- Jashpur, Chhattisgarh.

---- Non-applicant

For Applicants : Shri A.K. Yadav, Advocate

For Non-applicant/State : Shri Vimlesh Bajpai, G.A.

For objector : Shri Vivek Kumar Agrawal, Advocate

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****17.08.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.84 of 2021, registered at Police Station Bagicha, District Jashpur (C.G.), for offence punishable under Sections 376(2) d & 450 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 02.04.2021, at about 8.00 PM, when prosecutrix were in their house and all other members were in their agricultural fields, present applicants entered into the house of prosecutrix, abused the complainant and

her mother in law, assaulted them and committed forceful sexual intercourse with complainant and other prosecutrix i.e. mother-in-law. Incident was reported to concerned Police Station, based upon which, instant crime was registered against the present applicants.

3. Shri A.K. Yadav, learned counsel for the applicants submits that absolutely false and baseless allegation has been levelled against the present applicants, complainant and present applicants inhales from same family and there was property dispute between two families, therefore, false allegation has been levelled against the present applicants. He further submits that similar allegation has been levelled against family members of complainants, against whom, Crime No.100 of 2021 was registered in the same Police Station for offence punishable under Section 376(2)(d) of the IPC. It is contended that both the prosecutrix have executed affidavit before the Notary on 17.06.2021 and 26.06.2021, which were placed before the Court below along with memo of no objection. He submits that in view of above, present applicants may be enlarged on anticipatory bail as in the affidavit, prosecutrixs have stated that no incident as alleged in the First Information Report has taken place.
4. Per contra, Shri Vimlesh Bajpai, learned Government Advocate representing the State opposing the submissions made by learned counsel for the applicants, would submit that in First Information Report, there are serious allegation against the present applicants

of committing gang-rape, hence, they are not entitled for grant of anticipatory bail.

5. Shri Vivek Kumar Agrawal, learned counsel for the objector would submit that complainant and other prosecutrix have submitted memo along with affidavits executed by both of them mentioning that they were having no objection on grant of bail to the present applicants.
6. On the last date of hearing, learned counsel for the State was directed to verify the fact of execution of affidavits by complainant and prosecutrix. Learned counsel for the State submits that they have verified the fact stated by learned counsel for the applicants as well as by the complainant and execution of affidavits have been found to be correct.
7. I have heard learned counsel for the parties.
8. Taking into consideration entire facts and circumstances of the case, nature of allegations, submissions made by learned counsel for the applicants, learned counsel for the State with regard to verification of affidavits and submission of learned counsel for the complainant/objector, without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
9. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees

Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

(i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge