

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6758 of 2020**

- Shriram @ Siri Cherwa Son Of Moharsai Cherwa Aged About 50 Years Resident Of Rampur, Fulharipara, Police Station - Chalgali, District - Balrampur-Ramanujganj (Chhattisgarh)
- Krishna Cherwa Son Of Budhan Cherwa Aged About 35 Years Resident Of Chalgali, Nadipara, Police Station - Chalgali, District- Balrampur-Ramanujganj (Chhattisgarh)

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Chalgali, District- Balrampur-Ramanujganj (Chhattisgarh)

---- Respondent

For Applicants : Shri Sachin Singh Rajput, Advocate

For Respondents/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****06/01/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 25.06.2020 in connection with Crime No.66/2020 registered at Police Station Chalgali, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 366, 376 D of Indian Penal Code.
3. As per the prosecution case, on 24.06.2020 the prosecutrix after hearing some noise came out at that time one of the co-accused namely Krishna Cherva

caught hold of her gagged her mouth thereafter while she was being taken towards the river, another co-accused Shriram @ Siri Cherwa i.e. the applicant No.1 joined her and thereafter forcefully committed the rape and the co-accused Krishna Cherwa fled away.

4. Learned counsel for the applicants submits that the age of the prosecutrix is 40 years and the story which has been stated it is highly improbable, which would show that she was a consenting party and no forceful rape was committed, therefore, the applicants may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the statement of the prosecutrix and the map of the place of incident and path. Considering the statement and map without further observation on the merits, I am inclined to release the applicants on bail.
7. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum 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/-

Goutam Bhaduri
Judge

Ashu