

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7108 of 2021**

Ajay Kumar Yadav S/o Rajkumar Yadav Aged About 22 Years R/o Nilkanthpur Police Station- Ramchandrapur, District Balrampur-Ramanujganj Chhattistgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- AJAK Balrampur, District- Balrampur- Ramanujganj Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 7477 of 2021**

Ajay Ravi S/o Tunu Ram Aged About 22 Years R/o Neelkanthpur, Police Station Ramchandrapur, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station AJAK (Adim Jati Kalyan), Thana, Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Hariom Rai and Shri Sangeet Kumar Kushwaha, Advocates.
For the Respondent/State	:	Shri Ravi Bhagat, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.10.2021**

Heard.

1. Both these applications are decided by a common order as they arise from the similar matter. M.Cr.C. No. 7108 of 2021 is the first bail application of applicant – Ajay Kumar Yadav and M.Cr.C. No. 7477 of 2021 is the second bail application of applicant – Ajay Ravi. The first bail application of applicant – Ajay Ravi was dismissed on merits by this Court on 4.8.2020 in M.Cr.C. No. 3574 of 2020. The applicants in both the cases have been

arrested in connection with Crime No.28 of 2019, registered at Police Station AJAK, District – Balrampur, Ramanujganj, Chhattisgarh for the offence punishable under Section 376(d) of the Indian Penal Code, Sections 5(g) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 29.10.2019. The applicants are innocent and they have been falsely implicated in this case. The prosecutrix, her father and mother have turned hostile, therefore, no case is made out against the applicants. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. The prosecutrix/ complainant is present in person before this Court on notice. She stated that she has no objection in grant of bail to these applicants.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on the date of incident, the minor prosecutrix aged about 13 years went outside the school to answer the call of nature then the applicant in both the cases forcibly gang-raped the minor prosecutrix.

7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix filed along with the application. The prosecutrix, her father and mother have not supported the prosecution case because of which, they have been declared hostile. Hence, looking to this development, I feel inclined to grant bail to the applicants in both the cases.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. of the applicants in both the cases are allowed.

9. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge