

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6573 of 2021**

1. Rupesh Das S/o Ramdas Aged About 19 Years R/o Village Karra, Thana - Rajpur, District - Balrampur - Ramanujganj, Chhattisgarh
2. Rahul Bada S/o Suresh Bada Aged About 20 Years R/o Village Patrattu, Thana - Rajpur, District - Balrampur - Ramanujganj, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through - The Police Station Rajpur, District - Balrampur - Ramanujganj, Chhattisgarh

---- Respondent

For Applicants : Shri A.N. Pandey, Advocate along with Ms. Ankita Shukla, Advocate

For Respondents/State : Shri Animesh Tiwari, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****08/12/2021**

1. Heard.
2. This is the Second 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 20.04.2020 in connection with Crime No.34/2020 registered at Police Station Rajpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 363, 366, 376 (D)/34 of Indian Penal Code, Sections 3 & 4 of Protection of Child from Sexual Harassment Act 2012 and Section 3 (2) (v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The First Bail Application bearing M.Cr.C. No.3662 of 2020 was dismissed on 16.09.2020.
4. As per the prosecution case, on 05.03.2020 the applicants enticed away the minor girl while they were going to school and thereafter committed sexual intercourse.
5. Learned counsel for the applicants submits that the victim has been examined as PW-1 and she has completely disowned the incident, therefore, the happening of the incident itself is denied, therefore, the applicants may be released on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail.
7. Perused the statement of the victim filed as Annexure A-3 which shows that she has completely disowned the happening of the incident itself. Therefore, when the incident itself has been denied, the relevancy of the age become redundant. Considering the same, I am inclined to release the applicants on bail.
8. 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