

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6360 of 2020**

- Ramesh Kumar Sahu S/o Surit Ram Sahu, Aged About 37 Years, R/o Village Tarashiv, Thana City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through Police Station City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent**MCRC No. 6907 of 2020**

- Ramnarayan @ Chhotu S/o Umendram Sahu Aged About 18 Years R/o Village- Tarashiv, Thana- City Kotwali, Baloda Bazar, Distt.- Baloda Bazar- Bhatapara (C.G.)

---- Applicant**Versus**

- The State Of Chhattisgarh Through- Police Station- City Kotwali, Baloda Bazar, Distt.- Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicants. : Shri Samir Singh, Advocate.
For Respondent. : Shri Rakesh Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/01/2021**

1. Since the aforesaid bail applications arise out of the same crime number, they are being heard and disposed of together by this common order.
2. The applicants have filed these second bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody since 08.02.2020 in connection with Crime No.85/2020 registered at Police Station : City Kotwali, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 376(D), 323 and 450/34 IPC.

3. Earlier bail applications of the applicants were dismissed as withdraw with liberty to revive the same after examination of the prosecutrix.
4. The allegation against the present applicants is that on 01.02.2020 at night when the prosecutrix was sleeping in her house, the applicants entered her house and committed forcible sexual intercourse with her. The applicants have been taken into custody on 08.02.2020.
5. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that the statement of the Prosecutrix recorded under Section 164 CrPC clearly shows that a false case was registered against the applicants. He also submits that the applicants are in jail since 08.02.2020, the charge sheet has been filed, there is no likelihood of their case being decided in near future and, therefore, they may be released on bail.
6. On the other hand, State counsel opposing the bail applications submits that the prosecutrix, in her statement recorded under Section 164 Cr.P.C., clearly named the present applicants and stated as to the manner in which they committed sexual intercourse with her.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, in particular the statement of the prosecutrix recorded under Section 164 Cr.P.C., at this stage, I am not inclined to release them on bail.
9. Accordingly, bail applications filed under Section 439 of the Code of Criminal Procedure are rejected.

Sd/-

(Rajani Dubey)
Judge