

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7345 of 2020

1. Dilsai Sonwani S/o Shriram Sonwani, Aged About 20 Years, R/o Village Obri, Police Station Balrampur, District Balrampur-Ramanujganj Chhattisgarh. At Present R/o Village Piparsot, Police Station Balrampur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
2. Krishna Nagwanshi S/o Atva Nagwanshi, Aged About 21 Years, R/o Village Piparsot, Police Station Balrampur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Balrampur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

- Kumari Pooja D/o Shri Durga Ram Bhuihar, Aged About 13 Years, R/o Village Piparsot, Police Station Balrampur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Complainant

For Applicants – Shri D. Kushwaha, Advocate.

For Non-applicant/State – Shri Afroz Khan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-01-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 22-11-2018 in connection with Crime No.218/2018 registered at P.S. – Balrampur, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 376D, 506 of the IPC and Section 5 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated. The applicants are in jail since about two years. The prosecutrix and her parents have been examined in the trial and they have made admissions in cross-examination which are in favour of the applicants and against the prosecution case. Hence, there is nothing left against these applicants. Therefore, they may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the age of the prosecutrix had been only 13 years on the date of incident. Further, she has made allegations against these applicants in her statement recorded in the investigation and also in the examination-in-chief in trial. Therefore, the application may be rejected.
4. The prosecutrix is present before this Court on notice along with her parents. She has stated that she has no objection in grant of bail to these applicants.
5. Heard the submissions made and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant committed gang rape with the minor prosecutrix of age 13 years on the date of incident, regarding which the FIR was lodged by the prosecutrix herself.
7. Considered on the submissions. Perused the copy of the depositions filed along with the application and after perusal of the same and also considering on the statement of no objection made by the prosecutrix herself, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge