

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6643 of 2021**

- Kamlesh Kumar Sahu S/o Shri Dadu Ram Sahu, Aged About 30 Years, R/o Irrigation Colony, Baktara, Raipur, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer Police Station- Supela, District- Durg, Chhattisgarh.

---- Respondent**with****MCRC No. 6977 of 2021**

- Raj De S/o Late Sh. Jaidev Chandra De Aged About 21 Years R/o Mahatma Gandhi Nagar, Power House Camp-2, Bhilai Nagar, Teh. And District Durg Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through SHO, Police Station Supela, District Durg Chhattisgarh.

---- Respondent

For Applicant in MCRC 6643/2021	: Shri Vivek Sharma along with Shri Shashank Thakur, Adv.
For Applicant in MCRC 6977/2021	: Shri Aman Pandey, Adv.
For Respondent/State	: Shri Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.09.2021**

1. As both the MCRCs arise out of same crime number(1196/2019), they are heard and disposed of by this common order.
2. MCRC No. 6977/2021 has been listed for hearing on admission, the same is **admitted** for hearing.
3. These are the third bail application and second bail application

filed in MCRC Nos. 6643/2021 and 6977/2021 respectively, under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 1196/2019 registered at Police Station: Supela, District Durg (C.G.) for the offence punishable under Sections 376(2)(D), 366, 394, 120-B read with 34 of the IPC.

4. Earlier, the second bail application of applicant Kamlesh Kumar Sahu was dismissed on merit by this Court on 30.06.2021 in MCRC No. 3369/2021. The first bail application of applicant Raj De was also dismissed on merit on 19.08.2020 passed in MCRC No. 4428/2020.
5. As per the prosecution case, on 04.12.2019, the present applicants with another co-accused person, in pursuance of the conspiracy, made the prosecutrix, who was called from Mumbai for dance performance in an event, to travel in their OLA Cab, thereafter, they took her in an isolated place where they looted one mobile phone and cash of Rs. 50,000/- from her. It is also alleged that they committed the offence of rape on her. Based on that, after investigation, offence has been registered against the appellants and the appellant Kamlesh Kumar Sahu and Raj De were arrested on 06.12.2019 and 05.12.2019 respectively.
6. Mr. Shashank Thakur, learned counsel for the appellant in MCRC No. 6643/2021 would submit that the appellant is innocent and he has been falsely implicated in the crime in question. Referring to **Annexure A/4** he would further submit that after rejection of the first bail application of the applicant, on

17.08.2021, the prosecutrix was examined before the trial Court in which she has not supported the prosecution case. He next submits that the other co-accused Ishwar Chand @ Sonu Kasar has already been granted bail in MCRC No. 2841/2020, therefore the present applicants may also be enlarged on bail. He also contended that the applicant is in jail since 06.12.2019, therefore he may be released on bail.

7. Mr. Aman Pandey, learned counsel for the applicant in MCRC No. 6977/2021 submits that the appellant is innocent and has been falsely implicated in the case. Learned counsel has also made the testimony of the prosecutrix the ground of bail of the applicant stating that the prosecutrix has clearly deposed that the present applicant and co-accused Kamlesh Kumar Sahu left the car and the main accused took her to a far place where he committed the offence. He next contended that as the applicant is in jail since 05.12.2019 and there is no likelihood of his case being decided in near future, therefore, he may be enlarged on bail.
8. On the contrary, learned State counsel opposed the bail application.
9. Heard learned counsel for both the parties and perused the material available on record.
10. Considering the facts and circumstances of the case, detention period of the applicants and in particular deposition of the prosecutrix, as the trial is likely to take some time for its final disposal, without further commenting on merits, I am of the

opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

11. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed.
12. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- each, with one local surety for the like sum amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.
13. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

V/-