

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7376 of 2020

1. Ankit Kashyap S/o Mataram Kashyap, Aged About 20 Years, Residing at Nayapra Ward No.3 Village Geedam, District South Bastar Dantewada, Chhattisgarh
2. Manaku Markam S/o Budaru Markam, Aged About 28 Years, R/o Village Chitalur, P.S. Dantewada District South Bastar Dantewada, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- The Police Station Geedam, District South Bastar Dantewada, Chhattisgarh

---- Non-applicant

MCRC No. 8760 of 2020

1. Ravi Markam S/o Late Mohan Markam, Aged About 25 Years, R/o Nayapara, Ward No.3, Geedam, Police Station - Geedam, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Police Station - Geedam District - Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri Pravin Kumar Tulsyan, Advocate (in MCRC No.7376 of 2020),
Shri Shrawan Agrawal, Advocate (in MCRC No.8760 of 2020).
For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-01-2021

1. As both these applications arise out of the same crime number, they are being disposed off by this common order.
2. MCRC No.7376/2020 has been filed under Section 439 of the Cr.P.C. by applicants Ankit Kashyap and Manaku Markam for grant of regular bail as they have been arrested on 02-03-2020 in connection with Crime No.14/2020 registered at Police Station Geedam, District Dantewada, Chhattisgarh for offence under Section 376(3), 363/34 of the IPC and under Section 6 of Protection of Children from Sexual Offences Act, 2012 (as per impugned order). It is also mentioned in this bail application that as per charge sheet the offences alleged against the applicants are under Section 363, 376/34 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

MCRC No.8760/2020 has been filed under Section 439 of the Cr.P.C. by applicant Ravi Markam for grant of regular bail as he has been arrested on 02-03-2020 in connection with Crime No.14/2020 registered at Police Station Geedam, District Dantewada, Chhattisgarh for offence under Section 363, 376/34 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by learned counsel for the applicants in both the applications that these applicants have been falsely implicated in the case. The prosecutrix and her parents have been examined in the trial and they have not supported the prosecution case. Therefore, there is nothing left against these applicants. They are in jail since 02-03-2020. Hence, it is prayed that they may be granted bail.

4. Learned counsel for non-applicant/State opposes the applications and the submissions made in this respect. It is submitted that there are other witnesses remaining to be examined in the trial, therefore, the case against the applicants may be established by the prosecution. Hence, the applications may be rejected.

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

6. Case of the prosecution is this, that the minor prosecutrix of age 12 years was abducted by applicant Manaku Markam and then by keeping her in his custody he had physical relation with her which amounts to commission of offences of rape. She has also alleged that on subsequent occasions other co-accused persons namely Ankit and Ravi Markam have also raped her. Hence, this case.

7. Considered on the submissions. Perused the certified copy of the depositions of the prosecutrix and her father and mother. It is found that the prosecutrix and her parents have turned hostile and not supported the prosecution case. Hence, looking to this development in the trial, I feel inclined

to allow both these applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are 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