

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.7796 of 2021**

1. Ravikant S/o Sitaram Ekka, Aged About 22 Years Caste - Uraon R/o Devri, Police Station - Batauli, District - Surguja Chhattisgarh
2. Ajit Kispotta S/o Raghuveer, Aged About 27 Years Caste - Uraon R/o Devri, Police Station - Batauli, District - Surguja Chhattisgarh

**---- Applicants**

***Versus***

- State Of Chhattisgarh, Through The Station House Officer Police Station Bagicha, District Jashpur Chhattisgarh

**---- Non-applicant**

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| For Applicants          | : Mr. Sanjeev Kumar Sahu, Advocate.   |
| For Non-applicant/State | : Mr. Pawan Kesharwani, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**17-11-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicants for grant of regular bail. The first bail application was dismissed as withdrawn on 12.08.2021 in M.Cr.C. No.3793 of 2021. The applicants have been arrested on 30.01.2021 in connection with Crime No.26/2021, registered at Police Station— Bagicha, District- Jashpur, C.G. for offence punishable under Sections 376(2)(d), 376 (अ), 376(2)(ढ) of I.P.C. and Sections 5 (g) and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. The prosecutrix has turned hostile in the trial. Hence, applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. The prosecutrix is present before this Court on notice and she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that these applicants committed gang rape with the minor prosecutrix. Hence, this case.
7. Considered on the submissions. Perused the certified copy deposition of prosecutrix, it is found that she has not supported the prosecution case for which, she has been declared hostile by the prosecution. Therefore, 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 their furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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

Monika