

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8015 of 2021**

1. Rinku @ Krishna Pratap Yadav, S/o Shri Brij Kishore Yadav, Aged About 28 Years Caste - Ahir, R/o- Village - Katwar, Police Station - Kotadol, Tehsil - Bharatpur, District - Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Mahendra Pratap Yadav, S/o Shri Brij Kishore Yadav, Aged About 22 Years Caste - Ahir, R/o- Village - Katwar, Police Station - Kotadol, Tehsil - Bharatpur, District - Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh, Through - Police Station - Kotadol, District - Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Pushkar Sinha, Advocate.
 For the Respondent/State : Shri Aman Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.11.2021**

Heard.

1. This is the second bail application of the applicants. The first bail application of the applicants was dismissed as withdrawn in M.Cr.C. No.4084 of 2021 dated 10.8.2021. The applicants have been arrested in connection with Crime No.13 of 2021, registered at Police Station – Kotadol, District – Koriya, Chhattisgarh for the offence punishable under Sections 452, 376(2)(n), 506 and 450 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that the applicants are in jail since 9.4.2021 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court; she turned hostile and has not made any allegation against the applicants. Hence, it is prayed that the applicants be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

4. None appears on behalf of the complainant.

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

6. According to the prosecution case, it is alleged that both the applicants forcibly trespassed into the house of the prosecutrix and raped her on different dates. The prosecutrix was minor at the time of incident.

7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix and her father, it is found that both the witnesses have not supported the prosecution case for which they have been declared hostile by the prosecutor. Hence, looking to this development, I feel inclined to grant regular bail to the applicants.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge