

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8545 of 2020

1. Ashrafi Lal S/o Bholu Ravi, Aged About 18 Years, R/o Village Rampur, Police Station Ramanujanj, District Balrampur-Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through : the Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

MCRC No. 9169 of 2020

1. Narendra Singh S/o Dharamsai Singh, Aged About 24 Years, Cast - Gond, Profession Labour, R/o Village Lachha (Sarnapara), Police Station and Tehsil Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh, Through Police Station Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. A.K. Prasad, Advocate (in MCRC No.9169 of 2020),
Ms. K. Radhika, Advocate (in MCRC No.8545 of 2020).
For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

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

04-03-2021

1. As both these applications arise out of the same crime number, they are being disposed off by this common order.
2. MCRC No.8545 of 2020 has been filed by applicant Ashrafi Lal and MCRC No.9169 of 2020 has been filed by applicant Narendra Singh under Section 439 of the Cr.P.C. for grant of regular bail as they have been arrested on 19-09-2020 in connection with Crime No.365/2020 registered at Police Station Surajpur, District Surajpur, Chhattisgarh for offence under Section 363, 366, 376(2)(n) & 38 of the IPC and Section 4 & 6 of the 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. The prosecutrix

was not minor on the date of incident. She and applicant Narendra Singh both were having affair and therefore they eloped. False FIR has been lodged by father of the prosecutrix. As regards applicant Ashrafi Lal, it is submitted that he has not committed any offence of rape, he only assisted applicant Narendra Singh by giving a lift to him and the prosecutrix on his motorcycle. Therefore, it is prayed that both the applicants may be granted bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that the statement of the prosecutrix is very clear and categorical under Section 161 and 164 of the Cr.P.C. that she was abducted and raped by applicant Narendra Singh in which applicant Ashrafi Lal had helped in commission of offence. Therefore, it is prayed that both the applications may be rejected.

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

6. According to the prosecution case, applicant Narendra Singh used to make propositions of love for the minor prosecutrix to which she responded and then he started having physical relation with her on finding occasions for the same. On 26-08-2020 applicant Narendra Singh abducted the minor prosecutrix with the help of applicant Ashrafi Lal and then applicant Narendra Singh kept her in his custody for sometime, exploited her sexually until she was recovered by the police.

7. Considered on the submissions and the facts present in the case and also looking to other circumstances, 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

Aadil