

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7459 of 2021**

- Suresh Sahu @ Baba Son Of Dundkeshwar Sahu Aged About 20 Years Resident Of Village Daldal Seoni, Milan Chowk Near Water Tank, P.S. Pandri, District Raipur Chhattisgarh. As Per Challan (Details Has Not Mentioned In The Order Of The Learned Court Below)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Azad Chowk, Raipur, District Raipur (Chhattisgarh)

---- Respondent**MCRC No. 8431 of 2021**

- Vinay Raksel S/o Annu Raksel Aged About 22 Years R/o Sunderani Video Worlds, Maudahapara, Azad Chowk, Raipur District- Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Azad Chowk, District- Raipur Chhattisgarh.

---- Respondent

For Respective Applicants : Shri C.R. Sahu and Shri Ashish Shukla,
Advocates

For Respondents/State : Shri Ashutosh Mishra, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****13/12/2021**

1. Since both these bail applications are arising out of the same crime number, therefore, they are being heard and decided together by this common order.

2. These are the First Bail Applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 08.05.2021 in connection with Crime No.77/2021 registered at Police Station Azad Chowk, Raipur, District Raipur (CG) for the offence punishable under Sections 363, 366, 354, 376, 509, 509-B, 294, 323, 427, 120-B of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 67 of Information Technology Act, 2000 (in M.Cr.C. No.7459/2021).

3. As per the prosecution case, on 02.05.2021, the minor victim and her friend Vridhi Sahu, both joined a party in the house of Palash. After consuming liquor, the Vridhi Sahu quarreled with the victim and slapped her. At the same time, Palash threatened with a knife. On 03.05.2021, the victim was called by Muskan Ratre for settling her dispute with Vridhi Sahu, on which, the victim visited the house of Muskan Ratre, where she was beaten by Vridhi Sahu. Subsequent to that, victim was taken to Mahadev Ghat by Muskan Ratre along with Suresh Sahu @ Baba, where Muskan Ratre and Vridhi Sahu both disrobed the minor victim and prepared obscene video on the mobile phone. She was again beaten by Muskan Ratre subsequent to which, applicant Vinay Rakshel administered her some intoxicating substance and after sometime, he took the minor victim to a room in hotel, where he, on the pretext that he will get the video deleted on the mobile phone of other co-accused, raped the minor victim.

4. Shri C.R.Sahu, learned counsel for the applicant in M.Cr.C. No.7459 of 2021 submits that the other co-accused namely Muskan Ratre, Palash Tiwari, Vridhi Sahu, Akash Chhabda, have been enlarged on bail by the co-ordinate Bench in M.Cr.C. Nos.4182, 4842 and 6179 of 2021 and the case of Suresh Sahu @

Baba is similar to that of the other co-accused, who have been enlarged on bail, therefore, this applicant may be released on bail.

5. Shri Ashish Shukla, learned counsel for the applicant in M.Cr.C. No.8431/2021 would submit that the victim has lodged the similar nature of application against one Sandeep Jain in FIR and he placed the copy of the FIR and would submit that thereafter under Section 164 Cr.P.C. the prosecutrix turned hostile and it is stated that the victim is habituated of lodging of FIR and extract money.
6. Learned State counsel do not object to the fact that similarly placed co-accused to that of Suresh Sahu @ Baba have been enlarged on bail and in respect of applicant Vinay Raksel the FIR and the statement under Section 164 Cr.P.C. which is placed on record, he is not able to dispute.
7. Considering the the fact that the similarly placed co-accused have been enlarged on bail and particularly considering the background of the case, I am inclined to release the applicants on bail.
8. Accordingly, both the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

SD/-

Goutam Bhaduri
Judge

Ashu