

(2018) 06 CHH CK 0146

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3103, 3700 Of 2018

Md. Saddam And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: June 26, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 363, 365, 376, 506
- Code Of Criminal Procedure, 1973 - Section 164, 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 5(L), 6

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: AK Yadav, Wasim Miyan

Final Decision: Dismissed

Judgement

Goutam Bhaduri, J

1. Since both these bail applications are arising out of the same crime, therefore, they are 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 in

connection with Crime No.07/2018 registered at Police Station Samripath, District Balrampur - Ramanujganj (CG) for the offence punishable under

Sections 363, 365, 376, & 506 IPC and Sections 5 (L) & 6 of the POCSO Act.

3. As per the prosecution case, it is alleged that on 26.01.2018 Prashant Gupta along with the other co-accused namely Alam Khan and Chotu Khan

abducted three girls with the help of Md. Saddam, who was a driver and thereafter Prashant Gupta and two others committed forceful sexual

intercourse. Thereby the offence has been committed.

4. Learned counsel for the applicants submits that the prosecutrix have disowned the incident in the statement given under Section 164 Cr.P.C. and

they in fact had went for a picnic and no offence is made out against the applicants, therefore, the applicants may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Perused the statements of three prosecutrix, wherein they have categorically stated about the commission of rape. Considering the same and taking

into the totality of the fact at this stage, I am not inclined to release the applicants on bail.

7. Accordingly, both the bail applications are dismissed.