

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7323 of 2021**

1. Balram Jaiswal S/o Parmanand Jaiswal Aged About 25 Years
R/o A Sirpur, Gatadih, Police Station Sarsiwa, District
Balodabazar, Chhattisgarh.
2. Bharat Lal Jaiswal S/o Parmanand Jaiswal Aged About 27 Years
R/o A Sirpur, Gatadih, Police Station Sarsiwa, District
Balodabazar, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh, Through : Police Station Sarsiwa,
District Balodabazar, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Kaushal Yadav, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29/10/2021**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 227/2021 registered at Police Station-Sarsiwa, District - Balodabazar (C.G.) for the offence punishable under Sections 376(D) and 506 of the IPC.
2. The prosecution story, in brief is that, the prosecutrix lodged a written complaint alleging that on 01.08.2021, when her husband was ill she came to the house of the grandaunt mother-in-law with her husband and on 15.08.2021 when her husband was gone to the hospital for treatment at about 1:00 pm, both the applicants locked the door of the house and committed rape with her and threatened her to kill. Based on this, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the

applicants are innocent and have been falsely implicated in the crime in question. He further submits that there is 15 days delay in lodging the report and the prosecutrix has filed an affidavit before the trial Court in which she admitted the fact that she is falsely implicated to the applicants in this aforementioned case, because of land dispute between the mother of the applicants and father-in-law of the prosecutrix. The applicants are in jail since 30.08.2021, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that an affidavit was filed by the prosecutrix before the trial Court in which she has admitted that she has falsely implicated the applicants in this case, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local 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 to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**