

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3638 of 2016

- Sonu Das Mahant S/o Sambhudas Mahant Aged About 18 Years R/o Village Susdega, P.S. Pathalgaon, District Jashpur, Chhattisgarh. Civil & Revenue District Jashpur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through Station House Officer, P.S. Pathalgaon, District Jashpur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Manoj Chauhan, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.07.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 193/2015 registered at P.S. Pathalgaon, Distt. Jashpur (C.G) for the offence punishable under Sections 189, 294, 506, 323, 353, 354 & 354(A) of IPC & Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. The prosecution case, in brief, is that on 13.08.2015 the applicant along-with other coaccused entered into a class room of high school premises at Surajpur and thereafter misbehaved with certain girl students thereby tried to outrage the modesty of the students. The report was made and thereafter the accused persons were arrested.
3. Learned counsel for the applicant submits that the main alleged victims Sunita Jagat, Champa Yadav, Supriya Ekka, Sunita Vishwakarma and Jayanti Yadav have been examined as P.W.3, P.W.4, P.W.5, P.W.6 and P.W.8 respectively and

they have not supported the case of prosecution and have turned hostile. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 14.08.2015. It is further submitted that similarly placed accused Vishwajeet Bhagat has been granted bail by this Court in M.Cr.C.No.2587/2016, therefore, the applicants may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that co-accused has been granted bail by this Court in M.Cr.C.No.2587 of 2016.
5. Perused the statements of victims who have been examined as P.W.3, P.W.4, P.W.5, P.W.6 & P.W.8 which would go to show that the witnesses have turned hostile and they have not supported the case of prosecution.
6. Taking into consideration the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No.2587 of 2016 on 09.05.2016 as also the fact that charge sheet in this case has been filed and looking to the period of detention as the applicant is stated to be in jail since 14.08.2016, I am inclined to allow this bail application at this stage.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE