

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5120 of 2016

Rajesh Goshwami S/o Ramesh Goshwami, Aged About 22 Years,
R/o Kotmarra, Thana - Pasan, Tahsil - Pondi Upronda, Distt. Korba
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Balko Nagar, Distt.
- Korba Chhattisgarh

---- Respondent

And

MCRC No. 5088 of 2016

Rajesh Goshwami S/o Ramesh Goshwami, Aged About 22 Years,
R/o Kotmarra, Thana - Pasan, Tahsil - Pondi Upronda, Distt. Korba
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Balko Nagar, Distt.
Korba Chhattisgarh

---- Respondent

For applicant - Shri Samir Singh, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/09/2016

1. Both these bail applications are decided by this common order as they are arising out of the same incident.
2. The applicant has preferred these applications for grant of bail as he is arrested in connection with Crime Nos.26/2015 and 27/2015 registered in Police Station Balko Nagar, Distt. Korba (C.G.) for offence punishable under sections 363, 366, 376, 506/34 of Indian Penal Code, 3(1) (XII) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and 4 of Protection of Children from Sexual Offences Act.
3. As per the prosecution case, the applicant enticed away two minor

girls Neha and Megha from the lawful custody of their parents and took them to Mumbai. Thereafter, committed sexual intercourse. After recovery was made on 27/01/2015, the applicant was arrested and the case has been filed.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and the applicant is suffering with severe anemia for which he was admitted to the hospital which would be evident from the medical record. He submits that both the prosecutrix were summoned, however despite bailable warrant, they have not been served and the applicant is in jail since 27/01/2015, therefore he may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the documents conjointly. It appears that the applicant is suffering with some medical ailment. Taking into fact that both the prosecutrix appears to be summoned but they have not been served. Only on this ground at this stage, I am not inclined to entertain both the bail applications.

7. Accordingly, both the bail applications are dismissed. However, learned trial court is requested to expedite the trial.

Sd/-

(Goutam Bhaduri)

JUDGE