

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1118 of 2017

1. Harishankar Sahu S/o Tarachand Sahu, Aged About 22 Years R/o Narag Panchayat Tundra, Police Station Giduori, District Baloda Bazar Bhatapara Chhattisgarh
2. Ravishankar Sahu, S/o Hemlal Sahu, Aged About 19 Years R/o Narag Panchayat Tundra, Police Station Giduori, District Baloda Bazar Bhatapara Chhattisgarh
3. Durgesh Sahu, S/o Tarachand Sahu, Aged About 21 Years R/o Narag Panchayat Tundra, Police Station Giduori, District Baloda Bazar Bhatapara Chhattisgarh
4. Pawan Sahu, S/o Yugal Kishor Sahu, Aged About 19 Years R/o Narag Panchayat Tundra, Police Station Giduori, District Baloda Bazar Bhatapara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through S. H. O. Police Station Giduori (Tundra) District Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

Shri Hemant Gupta, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/02/2017

Heard.

The applicants have been arrested in connection with Crime No.256/2016 registered at Police Station – Giduori (Tundra), Revenue and Civil – Baloda Bazar - Bhatapara (CG) for alleged commission of offences under Section 451, 354, 294, 506 of IPC and Section 18 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicants came to the house of the prosecutrix and outraged her modesty.
3. Learned counsel for the applicants submits that the police has registered

offence exaggerating the incident. He submits that the prosecutrix, in her statement under Section 164 CrPC has only alleged abuses and that one of the co-accused – Ravishankar caught hold of her hand and except this, there is no other allegation. He submits that the applicants are in jail since 26/12/2016, investigation is complete, charge sheet has been filed and the applicants are not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned State counsel opposes bail application and submits that the manner in which applicants came to the house of the prosecutrix and abused her and her family members, they may not be granted bail.

5. Taking into consideration the nature and extent of the alleged act, investigation is complete, charge sheet has been filed and that the applicants are not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

In case, there is fresh allegation of applicants again approaching the prosecutrix or her family members, the prosecution may apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge