NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8505 of 2016

1. Sikandar Kujur, S/o Tange @ Ramesh Kujur, Aged About 18 Years R/o Village Paiga, (Chhota Paiga), Police Station Kamleshwarpur, District Surguja, Chhattisgarh.

2. Abhijit Barwa, S/o Late Ramdhani Uraon, Aged About 18 Years R/o Village Paiga, (Chhota Paiga), Police Station Kamleshwarpur, District Surguja (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Kamleshwarpur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants : Shri V.K. Pandey, Advocate
For Respondent/State : Shri B. Gop Kumar, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2017

Heard.

1. The applicants have been arrested in connection with Crime No.35 of 2016 registered in Police Station- Kamleshwarpur, District -Surguja (C.G.) for the alleged commission of offence under Sections 354, 354(B), 506/34 of IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012, after filing the challan, the Section 3 & 4 has been changed as Section 7 & 8 of Protection of Children from Sexual Offences, Act, 2012.

2. Case of the prosecution is that the applicants outraged the modesty of the prosecutrix.

3. Learned counsel for the applicants submits that the applicants have been

falsely implicated because the prosecutrix in her examination under Section 164 Cr.P.C. has clearly stated that nothing happened to her and she was not subjected to any kind of teasing or any sexual assault.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of allegation and that if the applicants are granted bail, it may adversely affect the trial.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission based on the prosecutrix statement recorded under Section 164 Cr.P.C. that she has not involved the applicants as having committed any sexual assault against her and that the investigation is complete, charge-sheet has been filed and that there is no material to show that in the event of grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.

6. 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 concerned trial Court with following further conditions:

   (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and

   (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

   Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha