

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1762 of 2017

Sagar Kumar S/o Manoj Kumar Kannojiya, Aged About 29 Years
R/o Village Baikunthpur, Camp-2, Chhawani, Police Station
Chhawani, Civil And Revenue District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Jamul, Civil And Revenue District Durg Chhattisgarh

---- Respondent

MCRC No. 1761 of 2017

Sanjay Kumar S/o Dhar Bahadur Soni, Aged About 28 Years R/o
Village Katulboard, Durg, Police Station Durg, Civil And Revenue
District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Jamul, Civil And Revenue District Durg Chhattisgarh

---Respondent

And

MCRC No. 3479 of 2017

Umesh Kumar Pandey S/o B.N. Pandey, R/o M I G 2, Jamul, Police
Station Jamul, District Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Jamul, District
Durg, Chhattisgarh.

---Respondent

For applicants - Dr. N.K. Shukla, Sr. Advocate with Shri Goutam Khetrpal
and Ms. Ayetri Sen Gupta, Advocate.

For Respondent/State – Shri Rahul Tamaskar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/06/2017

1. All these bail applications are heard and decided together as they are arising out of the same crime number.
2. The applicants have preferred this applications for grant of bail as

they are arrested in connection with Crime No.628/2016 registered in Police Station Jamul Civil and Revenue District Durg (CG) for offence punishable under sections 354, 384, 34 of Indian Penal Code and Sections 8, 11 (4), 11 (5), 12 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution case, on 28/11/2016 prosecutrix who is a minor student had gone to return some amount to her classmate Akansh Tiwari wherein present applicants who are police constables raided and entered the house, thereafter made the girl to took out her clothes and took the photographs and also by black mailing snatched amount of Rs.1500/- from her.

4. Dr. N.K. Shukla, Sr. Advocate assisted by Shri Goutam Khetrapal and Ms. Ayetri Sen Gupta would submit that the applicants have not committed any offence. It is submitted that though there is allegation that the victim was assaulted but they refused to get them medically examined which would go to show that false allegations have been attributed. It is submitted that girl was aged about 17 years 9 months and 15 days and further class-9 certificate have been filed which is not authenticated and still to be verified. It is submitted that age of the girl is still in doubt and the applicants are in jail from December 2016 and January, 2017 and are public servants, charge sheet has been filed, statement is already on record, no further investigation is necessary, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail and would submit that though the applicants are police constables, however though raid has been stated to have been committed but rojnamcha sanha do not show that any official raid was committed, therefore of their own act applicants have committed the offence.

6. Perused the statement of the victim and written report made by the victim who is student of engineering which shows that when she went to the room of her classmate to return certain money, the applicants entered there, committed sexual harassment and aggravated sexual assault and also took her photographs and were further black mailed and snatched the amount. It is stated that they were assaulted. Considering the way the offence has been committed by the police officers and statement of the victim/girl, chances of tampering of witnesses cannot be ruled out. Taking into position of the applicants they belong to the police and on them general public at large depends and rely for their security and safety and also considering the statement of the victim, this court is not inclined to release the applicants on bail.

7. Accordingly, the bail applications are dismissed.

Sd/-

(Goutam Bhaduri)

Vacation Judge