

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5000 of 2017**

Tejram S/o Ramprasad Aged About 37 Years R/o Mauharidand,
Sajapahad, Police Station Podi, District Koriya Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through The Station House Officer Police
Station Podi, District Koriya Chhattisgarh.

---- Respondent**M.Cr.C. No. 5429 of 2017**

Durga Prasad S/o Shivkumar, Aged About 20 Years Caste Kol, R/o
Village Mouhri Dand, (Sajapahad) Police Station Podi, District Korea,
Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Police Station Podi, District Korea,
Chhattisgarh.

---- Respondent

For the Petitioners	:	Ms. Sharmila Singhai and Shri Prakash Tiwari, Advocates.
For the Respondent/State	:	Shri Neeraj Jain, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.10.2017**

1. Heard.
2. Both these applications are decided by a common order as they arise from the similar matter. This is the first bail application of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.98 of 2017, registered at Police Station – Podi, District – Koriya,

Chhattisgarh for the offence punishable under Sections 354, 354(A)(D), 363, 366 and 506 of the Indian Penal Code and Sections 8 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. As alleged in FIR, the incident has taken place on 10.2.2017. Later on, after due deliberations a concocted written complaint has been filed making allegation about the applicant in both the cases and the FIR has been lodged against the applicants on 10.7.2017. Hence, it is prayed that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that although the first incident took place on 10.2.2017 but as per the complaint case, the applicant in both the cases continued to harass the complainant and the complainant in this case is minor because of which the offence under POCSO Act has been added. Hence, for these reasons, the applicants are not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the submissions made and as per the contents of the case diary, and looking to this fact that the applicants are in jail since 10.7.2017 and also if the applicant in both the cases are kept in detention for the whole period of trial this will not serve any purpose. Hence, for these reasons, the bail applications are allowed.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that applicants – Tejram and Durga Prasad shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge