

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4599 of 2017

- Ritesh @ Bhakamp Behra S/o Sukhru Prasad Behra Aged About 18 Years R/o Rambhantha Sanjay Maidaan Raigarh District & Tahsil Raigarh Civil & Revenue Disrict- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana In- Charge, City Kotwali, District- Raigarh, Chhattisgarh.

---- Respondent

And

MCRC No. 5302 Of 2017

1. Vicky Patnayak & Anr. S/o Late Pradeep Patnayak, Aged About 21 Years R/o Rambhatha, Near Ram Mandir, Raigarh, Tahsil & District Raigarh Chhattisgarh.
2. Durgesh Shrivass S/o Murari Lal Shrivass, Aged About 31 Years R/o Rambhatha, Near Ram Mandir, Raigarh, Tahsil & District Raigarh Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Rajendra Tripathi and Ashish Gupta, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

31/10/2017

1. Since both bail applications arise out of the same crime number, they are being disposed of by this common order.

2. Both applications are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 306/2017, registered at Police Station- Thana City Kotwali, District – Raigarh (C.G.) for the offence punishable under Section 147, 294, 323 and 354/34 of the Indian Penal Code (for short 'the IPC').
3. Learned counsel for the applicant submits that applicants have been falsely implicated in this case. There had been dispute and some altercation between the applicants and the other party, while lodging the report offence under Section 354 of IPC has been added deliberately to show that offence is of grievous in nature. In total 9 persons have been made accused in this case but only 3 persons have been arrested so far. As the statement of complainant-Sonal Saraf she has not identified the person, who has physically outraged her modesty, hence, applicants be enlarged on bail.
4. Learned State counsel opposes the bail applications and submissions made in this respect. The case has been investigated and there are sufficient grounds available for prosecution against the applicants, hence, they are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. Considering the nature and circumstances of the case and particularly, the statement of the complainant under Section 161 of CrPC, I am of the view that this is a fit case where the applicants should be enlarged on bail.
7. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- each with one surety

in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha