

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2781 of 2017

- Pankaj Jaishwal S/o Manoj Jaishwal, Aged About 32 Years R/o Village Chhatrapur, Police Station Chhatrapur, District Palamu, Jharkhand, Present Address Anpurna, Jalpan Kendra Wadrafnagar, Police Station Basantpur, District Balrampur Ramanujanj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Basantpur, District Balrampur Ramanujanj Chhattisgarh

---- Respondent

And

MCRC No. 6049 of 2017

1. Lalan S/o Manohar Chandrawanshi, Aged About 26 Years R/o Village Kolduva, District Garhwa, Jharkhand Present Address Anpurna Jalpan Kendra Wadrafnagar, Police Station Basantpur, District Balrampur Ramanujanj Chhattisgarh.
2. Jitendra Kumar S/o Kanhaei Ram, Aged About 24 Years R/o Village Sarastal, District Garhwa, Jharkhand Present Address Anpurna Jalpan Kendra Wadrafnagar, Police Station Basantpur, District Balrampur Ramanujanj Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Basantpur District Balrampur Ramanujanj Chhattisgarh.

---- Respondent

For Applicants : Mr. Akath Kumar Yadav, Advocate.

For Respondent/State : Mr. Arvind Kumar Shukla, Panel Lawyer.

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

20/11/2017

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. 135/2016, registered at Police Station- Basantpur, District– Balrampur (C.G.) for the offence punishable under Sections 363, 342, 506, & 376(D) of Indian Penal Code (for short 'IPC') and 2(dh), 5(chha) & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicants in both the cases are innocent and have been falsely implicated. They are in jail since 17.12.2016. Charge-sheet has been filed after completion of investigation and trial has commenced. Prosecutrix has been examined before the trial Court and she has not supported the case of prosecution, hence, under these change of circumstances, it is prayed that the applicants be entitled for grant of bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the contents of the FIR and the statements of witnesses under Section 161 of CrPC is against both the applicants, hence, they are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. The facts of the case are these, that on the date of incident prosecutrix was waiting for bus in Wadrafnagar when a person called her by gesticulation to a place where 3 to 4 persons forcefully raped her and one person was standing as guard outside. The police arrived at the

same time and all the persons were arrested. The arrested persons are the applicants. Prosecutrix was found to be below 18 years, hence, the case was registered against the applicants.

7. Considering on the submissions, contents of the case diary and the statements of the prosecutrix before the trial Court, looking to the circumstances at present, it appears that no purpose would be served if the applicants are kept in detention till the conclusion of trial, hence, it is a fit case for grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge