

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6399 of 2017**

1. Jitender Kumar S/o Amar Singh, Aged About 36 Years Resident Of Village Jhook, Police Station Sadar Mohindergarh, Tehsil And District Mohindergarh, Now Resident Of Resident Of 204, Cobra Bn., Jagdalpur, District Jagdalpur Chhattisgarh.
2. Ravinder Kumar, S/o Sh. Shishpal Singh, Aged About 30 Years Resident Of Village Dhani Phogat, Police Station Sadar Charkhi Dadri, Tehsil And District, Charkhi Dadri, Now Resident Of 204, Cobra Bn., Jagdalpur, District Jagdalpur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Mandir Hasod, Raipur,
District Raipur Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Alok Nigam, Advocate.
For the Respondent/State	:	Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.11.2017**

1. This is the first bail application 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.244 of 2017, registered at Police Station – Mandir Hasod, District – Raipur, Chhattisgarh for the offence punishable under Sections 354 and 456/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 2.9.2017 and they have been falsely implicated in this case. There had been a transaction of money between the applicants and the husband of the complainant because of which there had been a dispute between the applicants and the husband of the complainant, hence, for this reason, a

false complaint has been lodged against them. Both the applicants are constables in CRPF. The husband of the complainant is also a constable in CRPF. The applicants are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear and categorical statement against the applicants about the commission of offence against the complainant. Hence, under these circumstances, the applicants are not entitled for grant of bail.

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

5. The facts of the case are that when the complainant and her husband were sleeping in the night on the date of incident, the applicants came to the house of the complainant asking for her husband and on her replying in negative, both of them abused the complainant and went away. At about 12:15 am in the night, when the complainant was sleeping she felt the touch of some unknown persons and after putting on the light she saw applicant No.2 – Ravinder Kumar fleeing away and applicant No.1 – Jitender Kumar was caught hold by her husband. After lodging of FIR, the case has been registered and the charge-sheet has been filed.

6. Considering the submissions made and the contents of the case diary and looking to the facts that the applicants are in jail since 2.9.2017, the case is triable by the Judicial Magistrate First Class and no purpose would

be served if the applicants are kept in detention for the whole period of trial, this application is allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants 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