

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1859 of 2017

1. Pradeep Patel S/o Harishankar Patel Aged About 42 Years,
2. Netram Patel @ Munchu Patel S/o Hriday Ram Patel Aged About 32 Years

Both are R/o Village- Arjuni, Police Station & Tahsil - Pithora,
District- Mahasamund, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Incharge, Special Police
Station- A.J.K., Mahasamund District - Mahasamund, Chhattisgarh.

---- Respondent

For applicants - Shri S.S. Rajput, Advocate.
For Respondent/State – Shri Suryakant Mishra, PL.
For complainant – Shri Gurudev I Sharan, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/04/2017

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 1/07/2016 vide M.Cr.C. No.3234 of 2016 and second bail application was dismissed on 29/11/2016 vide M.Cr.C. No.7469 of 2016.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 227/2015 registered in Police Station Special Police Station-AJK, Mahasamund, District Mahasamund (CG) for offence punishable under sections 294, 323, 506/34, 452 & 354 of Indian Penal Code and Section 3(1)(x) & 3(1)(xi) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. As per the prosecution case, on 26/09/2015 at village Arjuni, the victim was caught hold of by the present applicants and she was dragged to the street of the village on allegation that she has relation with one

Pankaj Thakur. Subsequently she was made to parade in the street of the village and the garments of the lady was also taken out and she was abused and assaulted. The incident happened from 11.00 am till 6.00 pm approximately.

4. Learned counsel for the applicants submits that the complainant has already entered into compromise and she has not stated anything against the applicants, thereby the applicants have been acquitted from the offence under Section 294, 323 & 506-B of IPC. It is further submitted that offence under Section 354 and 452 IPC would not be made out against the applicants and also offence under Section 3(1)(x) & 3(1)(xi) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act not attracted against the applicants, therefore the applicants may be released on bail.

5. Learned State counsel opposes the same.

6. The statement of the victim is on record which shows that she has not stated anything against the applicants. Considering the fact that statement of the other witnesses have been recorded it would not be proper for this court to evaluate the statement and only one witness as PW-2 has contradicted statement of PW-1. It is for the trial court to adjudicate the same. Therefore, this court is not inclined to entertain this third bail application.

7. Accordingly, the third bail application is dismissed. Considering the fact that the applicants are in jail since 26/04/2016, learned trial court is directed to conclude the trial within further period of 6 months from the date of receipt of copy of this order.

Sd/-

(Goutam Bhaduri)

JUDGE

