

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2691 of 2017

Paras Verma S/o Mandhata Verma Aged About 32 Years R/o Village Pawantara, Outpost Jalbandha, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Outpost Jalbandha, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

MCRC No. 2979 of 2017

1. Narsingh & Ors. S/o S/o Samaylal Aged About 47 Years R/o Village Pawntara, Outpost- Jalbandha, Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh.
2. Dharmendra S/o Rajkumar Aged About 41 Years R/o Village Pawntara, Outpost- Jalbandha, Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh.
3. Jhalendra S/o Ramnath Verma, Aged About 30 Years R/o Village Pawntara, Outpost- Jalbandha, Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through: Outpost Jalbandha, Police Station- Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

MCRC No. 3166 of 2017

1. Khuman Verma & Anr. S/o Shri Kirtan Verma, Aged About 47 Years R/o Village Pawantara, Post - Office & Police Station -Jalbandha Chowki, Tahsil Khairagarh, District- Rajnandgaon, Chhattisgarh.
2. Deepak Sen, S/o Kumbhal Sen, Aged About 30 Years R/o Village Pawantara, Post - Office & Police Station -Jalbandha Chowki, Tahsil Khairagarh, District- Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Chowki-Jalbandha, Police Station Khairagarh, District- Rajnandgaon, , Chhattisgarh.

---- Respondent

MCRC No. 3240 of 2017

1. Gyandas Banjare & Anr. S/o Ram Prasad Banjare, Aged About 44 Years R/o Village Pawantara, Post Office & Police Station Jalbandha Chowki, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.
2. Bir Singh Bharti S/o Aganu Ram Bharti, Aged About 47 Years R/o Village Pawantara, Post Office & Police Station Jalbandha Chowki, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Chowki Jalbandha, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

Shri Rakesh Pandey and Shri Shivendu Pandya, counsel for respective applicants.
Shri D.R.Minj, Dy.G.A. and Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/05/2017

Heard.

The applicants, in all the aforesaid cases, have been arrested in connection with Crime No.26/2017 registered at Police Station – Khairagarh, District - Rajnandgaon (CG) for alleged commission of offences under Section 354, 341, 147, 148, 294, 323, 506 of IPC and Section 7, 8, 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicants assaulted and outraged modesty of complainants.
3. Learned counsel for the applicant submits that present is a case of false implication on afterthought grounds. He submits that when the applicants lodged FIR

on 20/01/2017, only as a counter-blast on fabricated grounds, false allegations of commission of offence under Section 354 IPC was included. He submits that even if there had been injuries sustained by members of two parties because of the free fight, none of the offence, except offence under Section 354 IPC and POCSO Act are non-bailable.

4. On the other hand, learned State counsel opposes bail application and submits that the FIR lodged by the complainant on 27/01/2017 shows that the applicants and members of the group were first assaulted who attempted to outrage modesty of female members of the group and therefore, dispute arose and merely because the applicants lodged FIR in first point of time, the case of the complainants is not said to be false or afterthought because the injuries were found on the person of the victims.

5. Considering the submission of learned counsel for the parties and that both the parties lodged report against each other and that FIR was lodged by the applicant's side in first point of time and that investigation is complete and charge sheet has been filed, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge