

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5952 of 2017

Sagar Kumar S/o Manoj Kumar Kannojiya, Aged About 29 Years
R/o Village Baikunthpur, Campa 2, Chhawani, Police Station
Chhawani, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Jamul, District Durg, Chhattisgarh.

---- Respondent

And

MCRC No. 6137 Of 2017

Sanjay Kumar S/o Dhar Bahadur Soni Aged About 28 Years R/o
Village Katulboard, Durg, P.S. Durg District Durg Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through The Station House Officer Police
Station Jamul, District Durg Chhattisgarh

---- Respondent

For applicants - Shri Goutam Khetrapal, Advocate.
For Respondent/State –Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/10/2017

1. Both these second bail applications are decided together as they are arising out of the same crime number. The earlier bail applications were rejected on 13/06/2017 vide M.Cr.C. Nos.1762 & 1761 of 2017.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No.628/2016 registered in Police Station Jamul, District Durg (C.G.) for offence punishable under sections 354, 384, 34 of Indian Penal Code and Section 8, 11(4), 11(5), 12 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, on 28/11/2016 prosecutrix who is a minor student had gone to return some amount to her classmate Akansh

Tiwari wherein present applicants who are police constables raided and entered the house, thereafter made the girl to took out her clothes and took the photographs and also by black mailing snatched amount of Rs.1500/- from her.

4. Learned counsel for the applicants submits that taking into allegation maximum sentence may be for 3 years, applicants are in jail for more than 1 year and no substantial progress in the trial has taken place and the incident wherein it happened would show that at the relevant time complainant was at a distance from the place of incident. He submits that there is no further investigation would be necessary, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the same, I do not find any change of circumstances to re-consider these second bail applications again within a short span of time.

7. Accordingly, the second bail applications are dismissed. However, considering the detention, the applicants shall be at liberty to repeat the bail application after examination of the victim.

Sd/-

(Goutam Bhaduri)

JUDGE