

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 32 of 2018

- Dewashish Banchhod S/o Ramratan Banchhod, Aged About 25 Years, R/o Village Nawadih Khamhariya, Police Station Khallari, Tahsil And District Mahasamund Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khallari, District Mahasamund, Chhattisgarh., Chhattisgarh

---- Non-applicant

MCRC No. 100 of 2018

- Bhagwan Singh S/o Maniram Gond, Aged About 26 Years, R/o Village Khamhariya Police Station Khallari, District Mahasamund Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicants – Shri Gurudev I. Sharan, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

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

08-03-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.257/2017 registered at P.S. Khallari, District Mahasamund Chhattisgarh for the offence under Section 456, 294, 506, 34 of the IPC and Section 8 of Protection of Children from Sexual Offences Act (in short 'POCSO Act'), they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court filed by the applicants for grant of regular bail. Applicant Dewashish Banchhod (in MCRC No.32/2018) has been arrested on 04-11-2017 and applicant Bhagwan Singh (in MCRC No.100/2018) has been arrested on 28-11-2017 in connection with aforesaid crime number and offence.
3. It is submitted on behalf of the applicants, that the applicants are innocent and they have been falsely implicated in this case. Applicant

Dewashish Banchhod is in jail since 04-11-2017 and applicant Bhagwan Singh is in jail since 28-11-2017. No case is made out against them under the POCSO Act as alleged in the prosecution case. The case is now before the trial Court and the trial is likely to take some time before its conclusion. Hence, it is prayed that both the applicants may be released on bail. It is further submitted by learned counsel for the applicants that at the time of filing of the charge sheet prosecution added Section 457, 202, 355 of the IPC and Section 21 of POCSO Act.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Heard learned counsel for the parties and perused the case diary.

6. Allegation against both the applicants is this, that on the date of incident both the applicants entered into the Tribal Hostel Khamhariya and using abusive words for the children present there, they pull down the pant of one of the students Bhupendra Thakur and left the spot. Hence, this case.

7. Considered on the material present in the case diary. Looking to the nature of the case against these applicants and the fact that the case is before the trial Court and no purpose would be served if the applicants are kept in detention till conclusion of the trial, I am of this view that both the applications filed by the applicants for grant of regular bail deserves to be allowed.

8. Consequently, both the applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby 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.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge