

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6353 of 2017

1. Chandramani Mishra S/o Kashi Prasad Mishra, Aged About 19 Years, (wroglly written as Akashi Prasad Mishra in the rejection order) R/o Village Bojha, P. S. Pratappur, District Surajpur at present Mahapour Gali, Rented House, P. S. Gandhinagar, District Surguja Chhattisgarh
2. Brijbhushan Kumar Pandey, S/o Late Ram Lal Pandey, Aged About 23 Years, R/o Village Kusma, Post Nai Bazar, P. S. Rabartganj, District Sonbhadra Uttar Pradesh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, District Surguja Chhattisgarh

---- Non-applicant

For Applicants – Shri Raghvendra Verma, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for regular bail. The applicants have been arrested on 16-08-2017 in connection with Crime No. 554/2017 registered at P.S. Gandhinagar, District Surguja, C.G. for the offence under Section 363, 366, 506, 354, 34 of the IPC and Section 17, 7, 8 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The applicant No.1 and the minor victim of the case had been friends, when both of them were together present in Akashwani Chowk, the minor victim was seen by the friends of her brother, who called her brother. On seeing him, the applicants fled

from the spot. No case is made out against the applicants regarding offences for which they are being prosecuted. The minor victim has lodged the FIR against the applicants on the pressure given by her brother. Hence, it is prayed that the applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that there is sufficient evidence against the applicants by way of the statements given by the witnesses in this case. Hence, the applicants do not deserve to be granted bail.

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

5. The minor victim lodged the FIR in Police Station Gandhinagar, District Surguja, C.G. that applicant No.1 had always used to tease her and he had ill-will towards her. On the date of incident, the applicants came on bike and by using threat forced the minor victim to take seat on the bike with them. Later on, the minor was seen by the friends of her brother and it was at that time the applicants ran away from the spot.

6. Considered on the submissions made and contents of the case diary.

7. Considering the facts and circumstances of this case and the facts that presence of the applicants before the trial Court can be ensured by imposing conditions, no purpose would be served if they are kept in detention till conclusion of the trial, I am of this view that both the applicants deserve to be enlarged on bail in the present matter.

8. Consequently, the application (MCRC No.6353/2017) filed under Section 439 of the Cr.P.C. by the applicants is 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