

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1990 of 2018

Vikash Tirkey S/o Late Sipriyan Tirkey, aged about 34 years, R/o Village- Bursa,
Police Station- Kunkuri, District- Jashpur (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station- Kunkuri,
District-Jashpur (C.G.)

---- Respondent

AND

MCRC No. 2105 of 2018

Justin Tirkey S/o Sanjivan Tirkey aged about 18 years, Caste Uraon R/o
Navatoli Ghumadaand P.S. Kunkuri, Tehsil Kunkuri District Jashpur (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station- Kunkuri,
District-Jashpur (C.G.)

---- Respondent

AND

MCRC No. 2095 of 2018

Ankit Soni @ Annu S/o Vijay Soni, aged about 26 years, R/o Church Turn,
Kunkuri, Distt. Jashpur (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station- Kunkuri,
District-Jashpur (C.G.)

---- Respondent

AND

MCRC No. 2191 of 2018

Vivek Yadav S/o Devendra Yadav, aged about 19 years, R/o Village- Bhumra,
Police Station- Kunkuri, District- Jashpur (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station- Kunkuri,
District-Jashpur (C.G.)

---- Respondent

For Applicant:	Mr. Malay Shrivastava, Mr. Shakti Raj Sinha, Smt. Indira Tripathi and Mr. Harish Khuntiya, Advocates for the respective applicants.
For Respondent :	Ms. M. Asha, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/04/2018

1. Heard.
2. Since all the cases arise out of same Crime number, therefore, they are being disposed of by this common order.
3. The applicants have preferred first bail application (in all the cases) under Section 439 of the Cr.P.C for grant of regular bails as they are arrested in connection with Crime No. 15/2018 registered at Police Station- Kunkuri, Distt. Jashpur (C.G.) for the offence punishable under Sections 395, 354, 342, 354 and 395 of IPC and Section 10 of Protection of Children from Sexual Offences Act, 2012.
4. As per prosecution story it is alleged that on 12/01/2018, the prosecutrix had lodged a report at Police Station- Kunkuri alleging that on the said date at about 09:30 pm, when she was going along with her friend, Deepak from Jashpur to Kunkuri, near the bus-stand, there the applicants along with co-accused persons came in the Scorpio vehicle and asked about their presence in the night hours. It is further alleged that they looted one mobile phone and Rs. 5000/- cash from the purse of the prosecutrix and one mobile and Rs. 7000/- cash from her friend Deepak. During this period, one of the accused person was touching private part of the prosecutrix and was also dragging her

towards the field. Some how, she called for the help from the passing by vehicles and then accused persons fled away from the spot. On the basis of said written report, FIR was registered and the applicants were arrested in question in crime.

5. Learned counsel appearing on behalf of the respective applicants submit that the applicants have been falsely implicated in the present case. They are in custody since around 3 months. Charge-sheet has been filed and the trial will likely to take some time to conclude, therefore, they may be released on bail.
6. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned counsel for both the parties.
8. Considering the facts and circumstances of the case, particularly, the fact that charge-sheet has already been filed, the applicants are in custody since around 3 months and the trial will likely to take some time, without further commenting on merit of the case, this court is inclined to release the applicants on bail.
9. Accordingly, MCRC. No. 1990, 2105, 2095 and 2191 of 2018 are allowed.
10. It is directed that the applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 20,000/- with one surety each to the satisfaction of the trial Court. Thereafter, they will appear before the Trial Court on each and every date as are given to them by the said Court in this regard.

**Sd/-
Judge
Arvind Singh Chandel**