

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2660 of 2018

- Sagar Khunte S/o Sudarshan Khunte Aged About 25 Years R/o- Village Kusmunda, Thana- Kusmunda Prem Nagar, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

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MCRC No. 2694 of 2018

- Bajrang Lal Rathaur S/o Sukhi Ram Rathaur Aged About 38 Years R/o- Village- Khoksa, Thana Naila, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate.

For Respondent : Mrs. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/06/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The bail application of applicant Sagar Khunte in MCRC No.2660/2018 is the second bail application. The first bail application of this applicant was dismissed on merits by the co-ordinate Bench of this Court vide order dated 27.3.2017 in MCRC No.335/2017 and this is the first bail application of applicant Bajrang Lal Rathaur in MCRC No.2694/2018. These bail applications have been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.87/2017, registered at Police Station Saraipali, District-Mahasamund, (C.G.) for the offence punishable under Sections 363, 366(A), 376 of Indian Penal Code and section 4 of Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 15.3.2017, which is more than one year. No case is made out against these applicants. The trial against these applicants is still pending, hence, it is prayed that applicants be released on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. Police personnel of PS-Saraipali, District-Mahasamund, stopped and searched the Indica Car bearing registration No.CH-03-S-0286, which was occupied by these two applicants, 15 kg ganja the narcotic substance was recovered and seized from the possession of these applicants from the spot. Accordingly, the case was registered against

these applicants. Hence, this case.

7. Subsequent to rejection of earlier bail application of applicant Sagar Khunte, it appears that it is almost more than one year since that rejection of application for grant of bail and the trial against both these applicants has still not been concluded and the applicants are the local residents of District-Korba, Chhattisgarh, for these reasons, I am of this view that this is a fit case where applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge