

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4201 of 2018

1. Manish Kumar S/o Purshottam Kumar Aged About 24 Years R/o- Village Nikhoh Post Satla P.S. Sayana, District- Bulandsahar (U.P.)
2. Nagendra Bhagour S/o Ashok Kumar Aged About 26 Years R/o- Muhera Post Jarua Katra, District- Agara (U.P.)

---- Applicants

Versus

- State Of Chhattisgarh Through- The Police Station Kondagaon, District- Rajnandgaon.

---- Respondent

AND

MCRC No. 4326 of 2018

Prabhu Dayal, S/o Laxman Ram, aged about 24 years, R/o- Village Prempura, Post Dansroli, Tahsil Dantaramgarh, Districk Sikar (Rajasthan)

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Kondagaon, District- Rajnandgaon.

---- Respondent

For Applicants	:	Shri P.K. Tulsiyan & Shri Anshuman Shrivastava, Advocates for the respective applicants.
For Respondent	:	Shri Vivek Sharma, Government Advocate & Shri Rahul Tamaskar, Panel Lawyer for the State.

Hon'ble Shri Justice Pritinker Diwaker
Order On Board

02/07/2018

1. Since the above bail applications arise out of the same crime number, they are being heard together and disposed of by this common order.
2. This is the first application filed under Section 439 of the Code of Criminal

Procedure, 1973 for grant of regular bail to the applicants who have been arrested on 23.5.2018 in connection with Crime No.127/2018 registered at Police Station Kondagaon, District Kondagaron (CG) for the offence punishable under Sections 509, 354-D, 354, 34 of the Indian Penal Code and Sections 11 & 12 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution case, on 22.5.2018 when the prosecutrix, aged about 15 years, was returning after playing table tennis, the applicants, who are Constable in the Indian-Tibet Border Police Force, 29th Battalion, have teased her. It is further case of the prosecution that co-accused Manish caught hold of the hand of the prosecutrix.
4. Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the offence. They submit that certain comments were passed by the prosecutrix & her friends pointing hair style of the applicants which resulted in some altercation between them. However, the brother of prosecutrix took the other view and in retaliation a false report has been lodged. The applicants are residents of other States and are posted in naxallite affected areas of Chhattisgarh. The applicants are in custody since 23.5.2018, the challan has already been filed and trial is likely to take time. Hence, they prayed that the applicants may be released on regular bail.
5. On the other hand, learned State Counsel opposes the prayer for grant of bail.
6. Considering the facts and circumstances of the case, in particular the nature of allegation levelled against the applicants, their period of detention and that the conclusion of trial is likely to take time, but without

commenting anything on the merits of case, I am inclined to release the applicants on regular bail.

7. Accordingly, it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each with one surety in the like sum to the satisfaction of the trial Court concerned. They are directed to appear before the trial Court concerned on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Pritinker Diwaker)
Judge

roshan/-