

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7301 of 2018

Hemant Kumar Patel, S/o Radheshyam Patel, aged about 26 years, R/o Village Devri, Police Station Shivrinarayan, Civil & Revenue District- Janjgir-Champa (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- Police Station, AJK, Janjgir, District- Janjgir-Champa (C.G.).

---- Respondent

AND

MCRC No. 7323 of 2018

Mukesh Khunte S/o Shri Ramvilas Khunte (wrongly mentioned as 'Ramgilas Khunte' in final report), aged about 28 years, R/o Village- Devri, P.S. Shvrinarayan, District Janjgir-Champa (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate, District Janjgir-Champa (C.G.).

---- Respondent

AND

MCRC No. 7567 of 2018

Biru Sahu S/o Malaram Sahu, aged about 27 years, R/o Khorsi P.S. Seorinarayan Distt. Janjgir-Champa (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Ajak, District Janjgir-Champa (C.G.).

---- Respondent

For Applicant (In MCRC No. 7301/2018) : Mr. Deepak Kumar Singh, Advocate
For Applicant (In MCRC No. 7323/2018) : Mr. Vivek Shrivastava, Advocate
For Applicant (In MCRC No. 7567/2018) : Mr. Ajay Ayachi, Advocate
For Respondent : Mr. Vivek Singhal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

30/10/2018

1. Since all the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred First bail applications (in all the cases) under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 7/2018 registered at Police Station- Ajak, Distt. Janjgir-Champa (C.G.) for the offence punishable under Sections 354, 506 and 354 (A) (C) (E) of the IPC, Section 8 of the POCSO Act and Section 3 (2-5) (A) of the SC/ST Act.
3. As per prosecution story, on 09//07/2018 the prosecutrix, a girl aged about 16 years was working as Sales Girl in a shop namely Pawan Bastralaya. The prosecutrix made a written report stating therein that Hemant Patel and Mukesh Patel talked her on mobile phone in vulgar language and when the prosecutrix replied that she will make complaint, then they threatened to kill her. It was further alleged that during return to her home on the way, one Veeru Sahu caught hold her hand and misbehaved with her. On the basis of the said report, offence has been registered and the applicants have been arrested on 10/07/2018.
4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated. The prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not stated anything against applicants- Biru and Mukesh and only stated that applicant Hemant used to see her in front of shop and used to harass her on mobile. They further submit that charge-sheet has

been filed, the applicants are in custody since 10/07/2018 and the trial will take much more time, therefore, the applicants may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the applicants are in custody since 10/07/2018, charge-sheet has been filed and the prosecutrix in her statement recorded under Section 164 Cr.P.C has not supported the case of the prosecution, I am inclined to release the applicant on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing personal bond for sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge