

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7389 of 2017

1. Vishnu Narayan Gupta And Ors. S/o Rameshwar Gupta, Aged About 29 Years Cast Raoniyar, R/o Village Nadideepa, Thana Sanna, District Jashpur, Chhattisgarh, Chhattisgarh
2. Ashok Gupta S/o Rameshwar Gupta, Aged About 27 Years Cast Raoniyar, R/o Village Nadideepa, Thana Sanna, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh
3. Sitaram Gupta S/o Rameshwar Gupta, Aged About 50 Years Cast Raoniyar, R/o Village Nadideepa, Thana Sanna, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Sanna, District Jashpur, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 58/2017, registered at Police Station- Sanna, District – Jashpur(C.G.) for the offence punishable under Sections 354, 294, 323 of Indian Penal Code (for short 'IPC') and Sections 8 & 9 (L)(R) 10, 11 (i-iv), 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. Learned counsel for the applicant submits that the applicants have falsely been implicated in this case. Applicant No.1 is in jail since 23.9.2017 whereas applicants No.2 & 3 are in jail since 26.9.2017. There is no specific allegation against applicant No.1 and applicant No.3 has been charge-sheeted under Section 21 (1) of POCSO Act which is punishable only upto imprisonment of 6 months, hence, a bailable offence. No case is made out against all the applicants as the victim in this case has been examined by the trial Court, who has not supported the case of prosecution. Hence, it is prayed that applicants be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that serious allegations have been made against the applicants by the victim/complainant in this case, hence, they are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Written complaint was given by complainant Rekha Devi, wife of applicant No.3, alleging that applicant Nos. 1 and 2 had on various occasions tried to outrage the modesty of minor victim and also attempted to commit rape with her. On the date of incident, all the applicants abused the victim and assaulted her, and thereafter, by using force on her, outraged her modesty. After lodging of FIR, the case has been investigated and charge-sheet has been filed.
6. Considered.
7. On perusing the statement of victim of this case recorded under Section 164 of Cr.P.C., I am of this view that applicants No.1 and 3 deserve to be enlarged on regular bail.
8. At this stage, learned counsel for the applicants submits that he may

be permitted to withdraw bail application of applicant No.3.

9. Accordingly, the bail application so far as it relates to applicant No.1 Vishnu Narayan Gupta and applicant No.3 Sitaram Gupta, is allowed. It is directed that the applicants No.1 & 3 shall be released on bail on their 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 Court, for their appearance as and when directed.
10. So far as the bail application of applicant No.2 Ashok Gupta is concerned, the same is hereby dismissed as withdrawn.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha