

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8539 of 2018

- Rajnath Tekam S/o Shri Birbal Tekam Aged About 22 Years R/o Village Madanpur, Irgaon, Police Station Darima, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Surguja Chhattisgarh

---- Respondent

AND

MCRC No. 8585 of 2018

- Vinod Singh Pawle S/o Shri Nandlal Pawle Aged About 21 Years R/o Village Malganwa, Police Station Darima, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Surguja Chhattisgarh

---- Respondent

For Applicant (in MCRC 8539/2018) : Mr. Vinod Kumar Tekam, Advocate
For Applicant (in MCRC 8585/2018) : Mr. Vinod Kumar Tekam, Advocate
For Respondent/State : Mr. Rajkumar Jaiswal, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/11/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these Second bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 09/2018 registered at Police Station-

Darima, District Surguja (C.G.) for the offence punishable under Sections 341, 342, 363, 366, 376 (D) & 506 (B) of the IPC and Sections 5 (a)/06 of the POCSO Act.

3. First bail with regard to Applicant Rajnath Tekam in MCRC No. 8539/2018 was dismissed as withdrawn with liberty to file a fresh after examination of the prosecutrix vide order dated 03.07.2018 passed in M.Cr.C. No. 4145/2018.
4. First bail with regard to Applicant Vinod Singh Pawle in MCRC No. 8585/2018 was dismissed as withdrawn with liberty to file a fresh after examination of the prosecutrix vide order dated 23.07.2018 passed in M.Cr.C. No. 3970/2018.
5. In this case prosecutrix is a girl aged about 16 years allegedly on 10.01.2018, at about 2 PM when prosecutrix was returning in her home on her bicycle, at that time present applicants came there and caught hold her hands and committed sexual intercourse with her one by one. On the basis of above, report was made and offence has been registered against the present applicants. The applicants are in custody since 12.01.2018.
6. Counsel for the applicants submits that both the applicants are innocent and have been falsely implicated in the present case. He further submits that the prosecutrix has already examined before the Trial Court and she does not support the case of the prosecution and turned hostile, the applicants are in custody since 12.01.2018, charge-sheet has already filed and trial will take some time to conclude, therefore, the applicants may be released on bail.

7. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
8. I have heard learned counsel for both the parties.
9. Considering the above facts and circumstances of the case, the evidence collected by the prosecution, further considering the fact that the prosecutrix has already examined before the Trial Court and she does not support the case of the prosecution and turned hostile, the applicants are in custody since 12.01.2018, charge-sheet has already filed and trial will likely to take some time to conclude, without further commenting on merits of the case, I am inclined to release the applicants on bail.
10. Accordingly, the bail applications are allowed.
11. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge