

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1022 of 2019

- Dilip Yadav @ Mansha S/o Mahadev Yadav Aged About 23 Years R/o Near Primary School Podibahar, Korba Tahsil and District Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Korba, District Korba, Chhattisgarh.

---- Respondent

AND

MCRC No. 1360 of 2019

1. Omprakash Patel @ Prakash Patel, S/o Janakram Patel Aged About 18 Years R/o Janakpuri Mohalla, Dadarkhurd, Outpost Manikpur, Police Station Kotwali, District Korba, Chhattisgarh.
2. Keshav Yadav @ Dau S/o Shyam Kumar Yadav Aged About 19 Years R/o Sarvin Dai, Near Hanuman Mandir, Kharmora, Police Station Balco Nagar, District Korba, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Korba, District Korba, Chhattisgarh.

---- Respondent

AND

MCRC No. 1540 of 2019

1. Firat Ram Rohidas @ Liti S/o Mahettar Ram Rohidas, Aged About 19 Years R/o Prem Mohalla, Dadarkhurd, Out Post Manikpur, Police Station Kotwali, District Korba Chhattisgarh.
2. Sonsay Rohidas S/o Fekuram Rohidas Aged About 21 Years R/o Janakpuri Mohalla, Dadarkhurd, Out Post Manikpur, Police Station Kotwali, District Korba Chhattisgarh.
3. Girdhar Patel S/o Ramnath Patel Aged About 19 Years R/o Janakpuri Mohalla, Dadarkhurd, Out Post Manikpur, Police Station Kotwali, District Korba Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kotwali, District Korba Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 1022/2019)	: Smt. Indira Tripathi, Advocate.
For Applicants (In MCRC No. 1540/2019)	: Shri Samir Singh, Advocate.
For Applicants (In MCRC No. 1360/2019)	: Shri Anil Gulati, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/04/2019

1. Heard.
2. Since all cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 901/2018, registered at Out Post – Manikpur, Police Station – Kotwali, Korba, District - Korba, (C.G.) for the offence punishable under Sections 323, 354, 354D, 395 of IPC and Section 8 of POCSO Act, 2012.
4. In this case, age of the prosecutrix is 16 years. As per the prosecution story, on 09.11.2018 at about 1:00 pm, one Chunal Dahariya, student of Class 11, was going to Naktikhar to the house of one Estar Baghel along with his friend i.e. prosecutrix. Allegedly, on the way, present Applicants came there on two motorcycles and snatched two mobile phones, key of the motorcycle from Chunal and also looted Rs. 200/- from them. It was further alleged that Applicants also tried to outrage the modesty of the prosecutrix. Report was made by father of Chunal Dahariya and on the basis of the said, offence has been registered. The Applicants have been taken into custody on 11.11.2018.
5. Learned Counsel appearing on behalf of the Applicants submits that

the Applicants are innocent and have been falsely implicated in the case due to some dispute. They further submit that Applicants have no criminal antecedent and charge-sheet has been filed. Applicants are in custody since 11.11.2018 and trial will take some time. Therefore, they may be released on bail.

6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants have no criminal antecedent, they are in custody since 11.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
9. Accordingly, the bail applications are allowed.
10. 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 solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge