

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1314 of 2019

- Manoj Yadav S/o Ramesh Yadav, Aged About 20 Years R/o Village Beltukri, P. S. Baloda Chowki Pantora, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through S. H. O., P. S. Baloda, Chowki Pantora, District Janjgir - Champa, Chhattisgarh.

---- Respondent

AND

MCRC No. 1322 of 2019

- Rajababu Chouhan S/o Shukrawar Singh Aged About 22 Years R/o Village- Beltukri, Police Station- Baloda, Chowki- Pantora, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Baloda, Chowki- Pantora, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

AND

MCRC No. 1331 of 2019

1. Shyam Yadav @ Chukki Yadav, S/o Manharan Yadav, Aged About 22 Years R/o Village Beltukri, Police Station Balouda Chowki Pantora, District Janjgir - Champa Chhattisgarh.
2. Krishna Kumar Yadav @ Lalu Yadav, S/o Samar Singh, Aged About 26 Years R/o Village Beltukri, Police Station Balouda Chowki Pantora, District Janjgir – Champa, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Balouda Chowki Pantora, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	: Shri Ravindra Sharma, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/03/219

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. 257/2018, registered at Police Station – Baloda, Chowki Pantora, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 354/34 of IPC and Sections 7 & 8 of POCSO Act.
4. In this case prosecutrix is a girl aged about 17 years and 7 months. As per the prosecution story, prosecutrix lodged a written complaint stating therein that on 20.10.2018 at about 05-06 pm, when she was returning from the Navratri Festival with her sister namely Lila Kashyap, near canal, present Applicants alongwith other co-accused person namely Vinod came there and used criminal force against them, caught hold hand of the prosecutrix and started dragging towards the forest area with intent to outrage her modesty. Thereafter, both, complainant/prosecutrix and her sister freed themselves and returned. On the basis of the said, report has been registered. The Applicants (in MCRC No. 1314/2019 & MCRC No. 1322/2019) and Applicants (in MCRC No. 1331/2019) have been taken into custody on 30.11.2018 and 03.12.2018 respectively.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the

case. He also submits that though the name of present Applicants have been mentioned in the written report but prosecutrix in her statements recorded under Section 161 and 164 of Cr.P.C., has only stated about the co-accused Vinod for the alleged offence. She has not stated anything against the present Applicants. Learned Counsel also submits that Applicants (in MCRC No. 1314/2019 & MCRC No. 1322/2019) and Applicants (in MCRC No. 1331/2019) have been taken into custody on 30.11.2018 and 03.12.2018 respectively and trial will take 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 Applicants (in MCRC No. 1314/2019 & MCRC No. 1322/2019) and Applicants (in MCRC No. 1331/2019) are in custody on 30.11.2018 and 03.12.2018 respectively 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