

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1446 of 2019**

- Satya Narayan Dewangan @ Satya S/o Shri Vinay Kumar Dewangan Aged About 30 Years R/o Palace Road Ward No. 13, Sarangarh, Police Station Sarangarh, District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh

---- Non Applicant

MCRC No. 2416 of 2019

1. Kailash Kumar Bareth S/o Lt. Brihspat Bareth Aged About 22 Years R/o Chandrapur, Bhaliya Para, Thana Chandrapur, District- Janjgir-Champa, Chhattisgarh
2. Tej Kumar Nishad @ Raju S/o Chandramadi Aged About 22 Years R/o Chandrapur, Bhaliya Para, Thana Chandrapur, District- Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police P.S. Chakardhar Nagar, Raigarh, District- Raigarh, Chhattisgarh

---- Non Applicant

MCRC No. 2784 of 2019

- Rajiv Kumar Yadav @ Raju S/o Baratu Ram Yadav Aged About 26 Years R/o Deendayal Colony, Dhimrapur, (Satya Transport Company Office) Taluka Raigarh, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chakradhar Nagar, Raigarh District Raigarh Chhattisgarh

----Non Applicant

For the Applicants	:	Mr. Roop Naik, Mr. Maneesh Sharma and Mr. Shashank Thakur, Advocates
For Non Applicant	:	Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****13.05.2019**

1. Since all three petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.20/2019 registered at Police Station- Chakardhar Nagar, Raigarh District- Raigarh (C.G.) for the offence punishable under Sections 363, 354, 368, 376/34, 366, 376, 364, 354-A, 354-A(1) & 34 of Indian Penal Code and Sections 4, 6, 7, 8, 11, 12 & 18 of POCSO Act, 2012.
4. Case of the prosecution, in brief is that on 18.01.2019 prosecutrix was below 15 years of age. She is resident of Krishnavatika, BoirDadar, Raigarh. On 18.01.2019 co-accused Vicky@ Vivek and applicant Rajeev Kumar Yadav @ Raju, took her by car. On moving vehicle applicant Rajeev Kumar Yadav @ Raju caught hold her hands, molestrate her and kissed her. Co-accused Vicky @ Vivek committed forcible sexual intercourse with her on his house. Applicant Kailash Kumar Bareth had told to applicant Tej Kumar Nishad @ Raju to live her in Sarangarh. Applicant Satya Narayan Dewangan @ Satya took prosecutrix in his house. Applicant Tej Kumar Nishad @ Raju left prosecutrix in the house of Akbar, on saying of applicant Satya Narayan Dewangan @ Satya. Co-accused Akbar committed forcible sexual intercourse with her. When she and applicant Satya Narayan Dewangan @ Satya were walking in a garden, he told her

that he wants to kiss her.

5. Trial Court framed the charges against the applicant Satya Narayan Dewangan @ Satya of the offences punishable under Section 354 IPC, Section 8, 12 of POCSO Act. Trial Court framed the charges against the applicant Kailash Kumar Bareth under Section 17, 20, and 21 of POCSO Act. Trial Court framed the charges against the applicant Tej Kumar Nishad @ Raju under Section 17, 20 and 21 of POCSO Act. Trial Court framed the charges against applicant Rajeev Kumar Yadav @ Raju under Section 363, 354 of IPC and under Section 12 of POCSO Act.
6. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
8. Counsel for the applicants Satyanarayan Dewangan @ Satya and Kailash Kumar Bareth and Tejkumar Nishad @ Raju further submitted that no charge made out against them. Section 354 of IPC and Section 8, 12, 17 & 21 of POCSO Act do not attract in the case in hand.
9. Prima facie, it cannot be said that, in the case in hand, Section 354 IPC , Section 8, 12 17, 20, 21 do not attract in the case in hand.
10. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Parul