

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1625 of 2019

- Abhay Singh S/o Shivram Singh Thakur Aged About 23 Years R/o Milan Chowk Kududand, Police Station Civil Lines Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station Incharge, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

MCRC No. 1640 of 2019

- Ashwani S/o Late Shri Shobha Prasad Chaturvedi Aged About 36 Years R/o Ekta Colony Ashok Nagar, Sarkanda, Tehsil and District Bilaspur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

MCRC No. 1705 of 2019

- Vikas Gupta S/o Madan Kumar Gupta Aged About 36 Years R/o 27 Kholi, Near Pani Tanki, Civil Line Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer Police Station Ratanpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 1625/2019)	: Shri Arvind Shrivastava, Advocate.
For Applicant (In MCRC No. 1640/2019)	: Shri Ashish Shukla, Advocate.
For Applicant (In MCRC No. 1705/2019)	: Shri Abhishek Sinha, Advocate.
For Respondent/State	: Shri V.K. Agrawal, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/03/2019

1. Heard.
2. Since all the 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. 447/2018, registered at Police Station – Ratanpur, District- Bilaspur, (C.G.) for the offence punishable under Sections 363, 366, 323/34, 354, 506 of IPC and Sections 3(1)(b)(III), 3 (2)(a) of SC/ST (Prevention of Atrocities) Act.
4. In this case, age of the prosecutrix at the relevant point of time was about 18 years and 5 months and the date of incident is 17.11.2018. As per the prosecution story, on 17.11.2018 at about 21.05 O'Clock, brother of the prosecutrix namely Pramod Kumar Netam lodged a missing report of his sister wherein it was stated that on 17.11.2018 at about 2:00 pm, his sister (prosecutrix) left home informing that she is going to Ratanpur Bank and thereafter she did not return. Subsequently, the prosecutrix gave a call from village Khardi, Police Station Pendra, to her mother and informed her that the Applicants/accused Ashwani (in MCRC No. 1640/2019) alongwith his two friends taken her forcibly in a four wheeler from infront of Ratanpur Hospital. Thereafter, police personnel went at the spot and discovered the prosecutrix from the resident of one Brijmohan Singh. Statements of the prosecutrix were recorded under Section 161 of Cr.P.C and on the basis of her statements, offence has been registered against the Applicants and they were taken into custody on 18.11.2018.
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 between the parties. They further submit that prosecutrix in her statement recorded under Section 164 of

Cr.P.C., has not mentioned the name of any of the Applicant. Though she has stated that she can identify the accused/Applicants on seeing them but TIP has not been conducted by prosecution. Applicants are in custody since 18.11.2018 and trial is likely to 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 statement of the prosecutrix recorded under Section 164 of Cr.P.C., Applicants are in custody since 18.11.2018 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