

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1642 of 2019**

- Shiv Kumar @ Bablu Sonpakar S/o Rupnarayan Sonpakar Aged About 29 Years Caste Cherwa, R/o Chowki - Chendra, Police Station Jhilmili District Surajpur Chhattisgarh
----- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jhilmili, District Surajpur Chhattisgarh
----- Non Applicant

MCRC No. 2211 of 2019

- Vijay Rajwade S/o Shivbhajan Rajwade Aged About 34 Years R/o Karouti (B), Outpost Chendra Police Station Jhilmili, District Surajpur Chhattisgarh
----- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Outpost Chendra Police Station Jhilmili, District Surajpur Chhattisgarh
-----Non Applicant

For the Applicants	:	Ms. Shivali Dubey and Shri Anil Gulati, Advocates
For Non Applicant	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15.04.2019**

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail application 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.04/2019 registered at Police Station- Out Post Chendra, Police Station Jhilmili, District- Surajpur (C.G.) for the offence punishable under Sections 454/34, 354 of the Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that prosecutrix is about 16 years old. She is resident of village Karouti. On 14.01.2019 at about 7:00 p.m. at village Karouti, applicant Vijay Rajwade entered in the house of the prosecutrix, applicant Shiv Kumar @ Bablu and one another person were present out of his house. She was going to drop her friend, applicant Shiv Kumar @ Bablu and another person caught hold her, pressed her mouth, and tried to forcefully made her to sit on motorcycle.
5. 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.
6. On the other hand, learned counsel for the State submits that one criminal case under IPC has been registered against each applicant.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court with the condition that they will appear before the trial Court at 11:00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul