

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4889 of 2019

- Vinay Kumar Tiwari S/o Laxmi Shankar Tiwari Aged About 38 Years R/o Bandhakhar (Nunera) Police Station Pali District Korba Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Outpost - Korbi, Police Station Pasan, District Korba Chhattisgarh

---- Respondent

MCRC No. 5082 of 2019

1. Mahendra Pratap Singh Gond S/o Late Ramayan Singh Gond Aged About 43 Years R/o Korbipara Chowki, Korbi, Police Station Pasan, District Korba Chhattisgarh
2. Kamaljeet Singh Gond S/o Nahkul Singh Gond Aged About 55 Years R/o Korbipara Chowki, Korbi, Police Station Pasan, District Korba Chhattisgarh

---- Petitioners

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Station Pasan, District Korba Chhattisgarh

---- Respondent

MCRC No. 5333 of 2019

- Vijay Kumar Gond S/o Indrapal Aged About 42 Years R/o Village Bhadra, Transport Para, Chowki - Korbi, District Korba Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Chowki - Korbi, Police Station Passan, District Korba Chhattisgarh

---- Respondent

For Applicants	: Mr. Awadh Tripathi along with Mr. Ramkumar Tiwari and Mr. Aditya Khare, Advocate.
For Non-applicant/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

28-08-2019

Heard.

1. As all these applications arise out of the same crime numbers i.e. Crime No.64/2019 registered at P.S. Pasan, Outpost- Korbi, District- Korba (C.G.), they are being decided by this common order.
2. M.Cr.C. No.4889/2019 has been filed by applicant Vinay Kumar Tiwari who has been arrested for the offence Under Section 294, 323, 363, 354(A), 419/34 of I.P.C. and Section 8 of POCSO Act, 2012.
3. M.Cr.C. No.5082/2019 has been filed by applicant Mahendra Pratap Singh Gond & Anr. who have been arrested for the offence under Sections 294, 323, 354A, 419, 363, 506, 34 of I.P.C. and Section 8 of POCSO Act, 2012.
4. M.Cr.C. No.5333/2019 has been filed by applicant Vijay Kumar Gond who has been arrested for the offence under Sections 294, 323, 354A of I.P.C. and Section 8 of POCSO Act, 2012.
5. It is submitted by learned counsel for the applicant that no offence has been committed by these applicants and the applicants in M.Cr.C. No.5082/2019 are in jail since 08.06.2019 and applicants in M.Cr.C. No. 5333/2019 and 4889/2019 are in jail since 09.06.2019. Charge-sheet has been filed after completion of investigation. Therefore, it is prayed that they may be granted bail.
6. Learned counsel for the State/non-applicant opposes the application.
7. Heard learned counsel for the parties and perused the case diary.

8. According to the prosecution case, complainant- Rambhajan Porte has lodged F.I.R. alleging that applicant Vinay Kumar Tiwari along with other accused persons came on the spot and made some inquiry from the complainant, posing himself as a police officer and thereafter he abused, threatened and also assaulted and caused simple injuries to the complainant. Thereafter, the four minor victims who were present on the spot were forcefully made to sit in the vehicle and they were taken to some place. Three of the victims were allowed to go in between the fourth victim was taken to a place by applicant- Vinay Kumar Tiwari and thereafter he outraged her modesty. Hence, this case.
9. Considering that these applicants do not have any criminal antecedents and the case is not pending for trial, therefore, I feel inclined to allow this application.
10. Consequently, these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
11. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge