

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6658 of 2019**

- Rajesh Kumar Patre And Anr. S/o Gaya Prasad Patre Aged About 28 Years R/o Village - Mohbhatta, Police Station - Belha, District - Bilaspur Chhattisgarh..
- Babla @ Gaukaran S/o Monan Lal Patre Aged About 30 Years R/o Village - Mohbhatta, Police Station - Belha, District - Bilaspur Chhattisgarh....(In Jail).

---- Applicants

Versus

- State Of Chhattisgarh Through The Officer In Charge P.S. Belha, Dist. Bilaspur Chhattisgarh....(Non Applicant).

---- Respondent

MCRC No. 7115 of 2019

- Durgesh Kumar Jaiswal S/o Kedarnath Jaiswal Aged About 27 Years R/o Mohbhattha, Police Station Bilha, District Bilaspur, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bilha, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. G.L. Uike, Mr. Devesh G. Kela and Mr. Suresh Kumar Verma, Advocate.
For Respondent	:	Ms. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/12/2019**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 184/2019 registered at Police Station - Belha District Bilaspur (C.G.) for the offence punishable under Sections 354, 354(a)(1)(iii), (iv), 354 (b), 294, 506, 341 of IPC and Section 66(E) of the I.T. Act and Section 8 & 12 of POCSO Act (against the applicants of MCRC No. 6658/2019) and

Sections 354, 354(a)(1)(iii), (iv), 354 (b), 294, 506, of IPC and Section 66(१) and 66 (२) of the I.T. Act and Section 8 & 12 of POCSO Act (against the applicant of MCRC No. 7115/2019).

- The prosecution story in brief is that, on 28.06.2019, victim went to school for admission and while she was returning, at that point of time, victim was caught hold of by the applicants and the other co-accused persons and taken to a lonely place where her modesty was outraged, she was disrobed and video was prepared on mobile phone, which was gone viraled later. On the basis of that, after investigation, offence has been registered against the applicants and they have been arrested.
- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the other co-accused namely Kumar has already been granted bail on 27.09.2019 by this Court passed in MCRC NO. 5360/2019. He next submits that the applicants are in jail since 16.07.2019, therefore, the applicants may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, and further considering the fact that the other co-accused has already been granted bail by this Court and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on bail on

their executing a personal bond in the sum of Rs. 25,000/- each, with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu