

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9199 of 2018

- Sampuran Singh S/o Somar Sai Aged About 22 Years R/o Village- Jamgala Mahuatikrapara, Police Station- Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

MCRC No. 9471 of 2018

- Vishnudas Panika S/o Uttam Das Aged About 22 Years R/o Jamgala Mahua, Tikra Para, Police Station Lakhanpur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Lakhanpur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants	:	Shri Jitendra Shrivastava, Shri Vivek Tripathi, Shri Saumitra Keshwarwani, Advocates
For Non-applicant	:	Shri SRJ Jaiswal, Panel Lawyer
For Informant	:	Shri Amar Nath Pandey, Advocate

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board04.04.2019

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. At the outset counsel for the applicant- Vishnudas Panika submitted that he does not want to press this bail petition.
3. Thus, bail application of Vishnudas Panika is dismissed as not pressed without considering the merits of the case.
4. Now the bail petition will continue for applicant - Sampuran Singh.
5. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
6. Perused the case diary provided by the learned counsel for the State in connection with crime No. 90/2018 registered at Police Station – Lakhanpur, District - Surguja (C.G.) for the offence punishable under Section 363, 366, 376(d)(g)(Kha) of IPC and 4, 5(tha) and 6 of the POCSO Act.
7. Case of the prosecution, in brief is that on 12.05.2018 near the pond at village Jamgala applicant and coaccused Vishnudas Panika met with prosecutrix. Applicant went towards his house. Coaccused Vishnudas Panika took her by enticing on pretext of marriage and committed forcible sexual intercourse with her on earth on pretext of marriage.
8. Learned counsel for the applicant submit that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
9. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
10. Counsel for the informant submitted that he has objection on release of applicant

Sampuran Singh on bail.

11. As per the statement of the prosecutrix recorded under 164 Cr.P.C. and supplementary statement applicant and coaccused Vishnudas Panika both caught hold her and took her to a pit on the upper side of river and thereafter applicant went towards upper side of the river leaving the pit.
12. 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 applicant- Sampuran Singh furnishes one solvent surety for a sum of Rs.25,000/- each along with a personal bond of Rs. 25,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail. Further trial Court is directed to expedite the trial.
13. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE