

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1719 of 2018

1. Suresh Kushwaha S/o Laljeet Kushwaha Aged About 32 Years R/o Village Pendri Outpost Wadrafnagar P. S. Basantpur, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Uday Yadav S/o Krishna Prasad Yadav Aged About 38 Years R/o Village Pendri, Out Post Wadrafnagar, P. S. Basantpur, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Basantpur District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

&

MCRC No. 9953 of 2018

1. Mahendra Singh Soni S/o Jamunalal Soni Aged About 26 Years R/o Village Iknara, Outpost Wadrafnagar, P.S. Basantpur, District- Balrampur, Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Dhanshigh S/o Ramkeshwar Singh Aged About 50 Years R/o Village Iknara, Outpost Wadrafnagar P.S. Basantpur, District- Balrampur, Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Basantpur District- Balrampur, Ramanujganj, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicants : Mr. Shakti Raj Sinha, Advocate.
For Respondent/ State : Mr. Lav Sharma, Panel Lawyer.

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

18/01/2019

1. Since the above bail applications are similar in nature and arise out of the same crime number, they are being heard and decided together by this common order.
2. Applicants have filed M.Cr.C(A) Nos.1719/2018 seeking anticipatory bail as they apprehend their arrest in connection with Crime No.80/2018 registered at Police Station-Basantpur, District-Balrampur Ramaunjanj, Chhattisgarh for the offence punishable under Sections 376 (2) (n), 417, 109, 506 Indian Penal Code (for short 'IPC') & Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Applicants have filed M.Cr.C. No.9953/2018 seeking regular bail as they have been arrested in connection with Crime No.80/2018 registered at Police Station-Basantpur, District - Balrampur Ramanujanj for the offence punishable under Sections 376 (2) (n), 417, 109, 506 Indian Penal Code (for short 'IPC') & Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. Learned counsel for applicants submitted that applicants have been falsely implicated in this case. No case is made out against all these applicants. Prosecutrix is aged about 21 years and she had been in live-in relationship with appellant Mahendra Singh for about one year

which shows that she was a consenting party. Though she had knowledge that applicant Mahendra Singh was married, but even then being influenced by some person she has lodged false FIR making allegation against the him regarding being a party to this sexual exploitation. Allegation against rest of the applicants is that the main accused established physical relation with her with the help of co-accused persons. Hence, it is prayed that they may be released on regular/anticipatory bail.

5. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that on the basis of the contents of the charge-sheet filed against the applicants, they are not entitled for grant of bail regular/anticipatory.
6. Heard both the parties and perused the case diary.
7. Complainant/prosecutrix has filed written complaint making allegation against main accused Mahendra Singh that he allured her with a promise to marry her and then sexually exploited her for about one year. The allegation against rest of the applicants is only to the effect that main accused threatened her that in case she does not submit to him, he will hurt her with the help of the rest of the applicants. Hence, this case.
8. Considering on the nature of the allegation made against all the applicants, I am of this view that this is a fit case where the respective applications filed by the applicants are deserve to be allowed.
9. Accordingly, the anticipatory bail application filed on behalf of applicants is allowed and it is directed that in the event of their arrest in connection with the aforesaid offences, they shall be released on bail by the officer arresting them 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 concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

10. Bail applications filed on behalf of applicants i.e. M.Cr.C. No.9953/2018 is also allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge