

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1053 of 2020

1. Kamesh Baghel, S/o Shri Kis Kumar, aged about 22 years,
2. Rajkishore, S/o Shri Rajesh Baghel, aged about 20 years,

Both by caste Satnami, R/o Samrupara Pandariya, P.S. Pandariya,
District Kabirdham (C.G.)

(In Jail)
---- Applicants

Versus

State of Chhattisgarh, Through Police Station Pandariya, District
Kabirdham (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.1873 of 2020

Vikram Banjara, S/o Gopal Banajara, aged about 24 years, caste
Satnami, R/o Samrupara Pandariya, P.S. Pandariya, District
Kabirdham (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Police Station Pandariya, District
Kabirdham (C.G.)

---- Non-applicant

For Applicants:	Mr. F.S. Khare, Advocate.
For Non-applicant:	Mr. Gagan Tiwari, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/05/2020

1. Since both the bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.174/2019, registered at Police Station Pandariya, Distt.

Kabirdham, for the offence punishable under Sections 363, 366A, 376 read with Section 34 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution, in brief, is that Vikram Banjara (applicant in M.Cr.C.No.1873/2020) committed sexual intercourse with the minor prosecutrix and Kamesh Baghel & Rajkishore (applicants in M.Cr.C. No.1053/2020) assisted in the commission of the said offence and thereby the applicants have committed the offence.
4. Learned counsel for the applicants submits that these are the first bail applications filed on behalf of the applicants for grant of regular bail, the applicants have not committed any offence and they have been falsely implicated in the case. He further submits that there is no allegation of rape against Kamesh Baghel and Rajkishore. The applicants have been arrested on 5-1-2020.
5. On the other hand, learned State counsel opposes the applications and submits that on the pretext of marriage Vikram Banjara entered into the house of the prosecutrix and committed sexual intercourse with her.
6. I have heard learned counsel for the parties.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and considering the allegation against Vikram Banjara, I do not consider it a fit case for grant of bail to Vikram Banjara. Accordingly, M.Cr.C.No.1873/2020 is rejected. However, considering the material available on record, I am of the view that it is a fit case to enlarge applicants **Kamesh Baghel and Rajkishore** on regular bail. Accordingly, M.Cr.C.No.1053/2020 is allowed.
8. It is, therefore, directed that applicants **Kamesh Baghel and Rajkishore** be released on bail on each of them furnishing a personal

bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

9. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished bail bonds earlier, then they will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge

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