NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 557 of 2020

- Tulsi Devar W/o Raja Devar Aged About 29 Years R/o Aspataal Para, Kharora, District - Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station - Kharora, District - Raipur, Chhattisgarh.

---- Respondent

MCRC No. 903 of 2020

- Ganga @ Pooja Goswami W/o Poshan Goswami Aged About 27 Years R/o 256, Ward No. 8, Aspataal Para, Kharora, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Kharora, District Raipur, Chhattisgarh.

---- Respondent

MCRC No. 1024 of 2020

1. Rahul Manikpuri @ Ramashankar And Anr. S/o Shri Lagindas Manikpuri, Aged About 27 Years R/o Kharora, Ward No. 8, Behind Government Hospital, Police Station Kharora, District Raipur, Chhattisgarh.
2. Smt. Rani Manikpuri W/o Shri Rahul Manikpuri, Aged About 23 Years R/o Kharora, Ward No. 8, Behind Government Hospital, Police Station Kharora, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station - Kharora, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sakib Ahmed, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

11/02/2020

1. As all three MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 472/2019 registered at Police Station Kharora, District-Raipur (C.G.) against applicants Tulsi Devar and Ganga @ Pooja Goswami for the offence punishable under Sections 341, 324, 354, 326, 34 of the IPC and against applicants Rahul Manikpur @ Ramashankar and Smt. Rani Manikpuri for the offence punishable under Sections 341, 324, 354(b), 354, 326, 34 of the IPC.
3. The prosecution story, in brief is that, complainant filed a written complaint that on 04.12.2019 at about 7:00am., when complainant along with her friends namely Rajkumari and Sunita was going to work where the applicants/accused persons caught her from behand and said that you have complaint about us at police station and in order to outrage her modesty pushed her, as a result of which the complainant fell on the ground, thereafter applicant Rahul caught her chest, applicant Tulsi caught her legs and applicants Rani and Ganga tore the cloths of the complainant and put green chilly sauce inside her private part. Complainant shouted for help, hearing on which the friends of the complainant came to rescue her. Based on this offence has been registered against the present applicants.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the complainant filed an affidavit before trial Court regarding no objection if the bail is granted to the applicants. He also submits that the applicants Rahul Manikpuri, Smt. Rani Manikpuri and Tulsi Devar are in jail since 04.12.2019 and

applicant Ganga @ Pooja Goswami is in jail since 17.12.2019 and, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the offences are triable by Judicial Magistrate First Class. The applicants Rahul Manikpuri, Smt. Rani Manikpuri and Tulsi Devar are in jail since 04.12.2019 and applicant Ganga @ Pooja Goswami is in jail since 17.12.2019, 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 applications are allowed.
8. 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 local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

H.L. Sahu