

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1623 of 2020

Surendra Sulakhe @ Monu, S/o. Lalji Sulakhe, aged about 23 years,
R/o. Green Chowk, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station
Mohan Nagar, District Durg, Chhattisgarh.

---- Respondent

With

M.CR.C. No. 3948 of 2020

Nitesh Jain (Gajbhiye) @ Neetu, S/o. Sardar Gajbhiye, aged about 29
years, R/o. Bidi Colony Ward No. 58 Urla Durg, Thana Mohan Nagar
District Durg, Chhattisgarh (as per remand form and FIR).

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, District Durg
Chhattisgarh.

---- Respondent

For Applicant : Mr. Sushil Dubey, Advocate
(In M.Cr.C. No.1623 of 2020)

For Applicant : Mr. Avinash Chand Sahu, Advocate
(In M.Cr.C. No.3948 of 2020)

For Respondent/State : Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/06/2020

1. Both the bail applications are heard and decided together by this
common order as they are arising out of the same crime number

and incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.45/2020, registered at Police Station – Mohan Nagar, District – Durg (C.G.) for the offence punishable under Section 452, 376, 511, 294, 323, 506, 34 of the Indian Penal Code and Section 8 of POCSO Act, 2012.
3. It is submitted by the learned counsel for the applicant (in M.Cr.C. No.1623/2020) that the applicant has been falsely implicated in this case. No case is made out against the applicant. In fact this applicant had been although present with other co-accused persons, but he has not participated in the said commission of offence as he was present outside the house, where the incident took place. The applicant is in jail since 29.01.2020. Hence, it is prayed that the applicant may be enlarged on regular bail.
4. It is submitted by the learned counsel for the applicant (in M.Cr.C. No.3948/2020) that there is no allegation against this applicant regarding his participation and the commission of crime of attempt to commit rape with the minor victim, therefore, he has

been falsely implicated. The applicant is in jail since 09.03.2020.

Hence, it is prayed that the applicant may be enlarged on regular bail.

5. On the other hand, learned counsel for the State opposes the bail application and submits that no case is made out for grant of bail.
6. The complainant – Rina Singh is present in person before this virtual Court through help desk. She has made statement of no objection in grant of bail to the applicants.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. According to the prosecution case, on the date of incident the father of the minor victim came to his house along with the applicants and other co-accused persons in inebriated condition. The father of the victim lay down on the bed because of the intoxication, it is at that time, one of the co-accused namely Bobby made attempt of rape on the minor victim of aged about 11 years. The victim raised alarm when her father woke-up and he had an argument with the co-accused Bobby, at that time Bobby and other accused persons assaulted the father of the victim with hands, fists, clubs and other articles and caused hurt to him

regarding which FIR has been lodged.

9. Considered on the submission made by the counsel for both the parties. As it appears that the applicants in both the cases are not alleged to have participated in the commission of offence of attempt to rape on the minor victim and also that the complainant has no objection in grant of bail to these applicants, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
10. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
11. It is directed that applicant shall be released on bail on their furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge