

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6470 of 2020

1. Manish Sahu S/o Kumaru Sahu (Correct Name Kunwaru Ram Sahu), Aged About 18 Years, R/o Rameshwar Nagar, Near Pragati School (Near Pragati Vidyalaya), P.S. Khamtarai District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Mohit Patel, S/o Umesh Patel, Aged About 18 Years, R/o Rameshwar Nagar, Near Pragati School (Near Pragati Vidyalaya), P.S. Khamtarai District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through P.S. Devendra Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicants – Shri Pragalbha Sharma, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 13-08-2020 in connection with Crime No.170/2018 registered at Police Station - Devendra Nagar, District Raipur, Chhattisgarh for the offence under Section 363, 354 (A), 506, 342 R/w 34 of the IPC and under Section 8, 18 of POCSO Act, 2012.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 13-08-2020. There had been a misunderstanding, because of which false FIR has been lodged against the applicants. The misunderstanding has been cleared by the victim herself in her statement given before the Magistrate under Section 164 of the Cr.P.C. One of the co-accused namely Deepak Bhoi has been granted bail by the coordinate Bench. Therefore, it is prayed that the applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the facts are present in the case on the basis of which the applicants are not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the documents.
5. As per the prosecution case, it is alleged that these applicants and others invited the victims for friendship day celebration. The victims who were minor of age about 14 years were then detained and confined by the applicants for whole night by putting them under threat. It is also alleged that the applicants and others outraged the modesty of the victims by use of physical force.
6. Considered on the submissions and the facts that are present in the case and also considering that one co-accused has been granted bail by the coordinate Bench of this Court, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall 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.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge