

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7669 of 2020**

Rohit Kumar Banjare S/o Late Bhimsen Banjare Aged About 19 Years R/o Village Chilhati, Ward No. 47, P. S. Sarkanda, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 8782 of 2020**

Mukesh Kumar Ratre S/o Chotelal Ratre, Aged About 28 Years R/o Village - Chilhati, Ward No. 47, Police Station - Sarkanda, District - Bilaspur Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through - Station House Officer, Police Station - Sarkanda, District - Bilaspur Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Nitansh Kumar Jaiswal and Shri Arvind Dubey, Advocates.
For the Respondent/State	:	Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.12.2020**

Heard.

1. Both these applications are decided by a common order as they arise from the similar incident. These are the first bail applications of the applicants 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. 885 of 2020, registered at Police Station Sarkanda, District – Bilaspur, Chhattisgarh for the offence punishable under

Sections 377 and 506, 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submit that applicant – Rohit Kumar Banjare is in jail since 25.9.2020 and applicant – Mukesh Kumar Ratre is in jail since 26.9.2020 and they have been falsely implicated in this case because of the previous enmity with the complainant. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that there is serious allegation against the applicants regarding abusing the minor child of age 9 years and committing unnatural act, therefore, the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecution case is that the applicants in both the cases and two other juvenile offenders by threatening and by influencing the minor victim aged 9 years used to compel him to take their private parts in his mouth. This happened for sometime then the minor victim disclosed this incident to his mother and thereafter, the FIR has been lodged.

6. Considered the submissions and the facts that are present in the case. As it is found that the investigation is complete and the case is pending for trial, I feel inclined to grant bail to the applicants in both the cases.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge