

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7821 of 2020

1. Prabhudayal Sahu, S/o Hariram Sahu, Aged About 43 Years, R/o Village Parsada, Police-Station-Hasoud, District-Janjgir-Champa, Chhattisgarh
2. Brijbhushan Chourasiya, S/o Kailash Chourasiya, Aged About 39 Years, R/o Sejbahar, Raipur, Police-Station-Sejbahar(Mujgahan), Tahsil and District-Raipur, Chhattisgarh

---- Applicants

Versus

1. State of Chhattisgarh Through- Station House Officer, Police Of Police Station- Arjuni, District-Dhamtari, Chhattisgarh

---- Respondent

For Applicant	: Mr. H.A.P.S. Bhatia on behalf of Mr. Anil Gulati, Advocate.
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For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.406/2020 registered at Police-Station-Arjuni, District-Dhamtari(C.G.) for the offence punishable under Sections 363, 342, 354 r/w 34 of IPC and Section 8 & 12 of POCSO Act.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The applicants have not committed any offence. The FIR lodged is totally false.

Charge-sheet has been filed after completion of investigation and the applicants are in jail since 5.10.2020, hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that looking to the facts present in the case, applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that on 2.10.2020 on applicant No.1, who is cleaner and applicant No.2, who is Driver of a truck, gave lift to the minor prosecutrix and then kept her forcibly in their custody for about two days'. The victim has alleged that during this period, she was shown obscene videos and she was also molested by the applicants and thus, her modesty was outraged by them. Hence, this case.
6. Considered on the submissions and the facts present in the case. As the investigation is now complete and the case is pending for trial, I am of this view that this is a fit case for grant of bail to the applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge