

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8308 of 2019

- Rakesh Arya S/o Chandu Ram Arya Aged About 29 Years R/o Ward No. 8, Shivaji Ward Sindhi Colony, Mungeli, Police Station City Kotwali Mungeli Tahsil And District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through OIC, City Kotwali, Mungeli District Mungeli Chhattisgarh
- Kumari Priyanka Lahre D/o Shri Gaga Ram Lahre R/o Jora Talab, Near House Of Raju Thakur, Sarkanda, Police Station Sarkanda, Bilaspur

---- Respondents

MCRC No. 8462 of 2019

- Bijju @ Amitesh Arya S/o Shri Prem Arya Aged About 29 Years R/o Shankar Ward, Mungeli, District - Mungeli Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - S. H. O., Police Station City Kotwali, Mungeli District - Mungeli Chhattisgarh

---- Respondent

For Applicants : Shri K.A.Ansari alongwith Smt. Meera Ansari and Shri Ravindra Sharma, Advocates for the applicants, respectively
For Respondent/State : Smt. Reena Singh, PL
For Respondent/Objector : Shri Vaibhav Goverdhan, Advocate
Complainant-Priyanka Lahare is also present.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/02/2020

As both these M.Cr.Cs. arise out of the same crime number,

they are being disposed of by this common order.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 419/2019 registered at police station City Kot wali, District Mungeli (CG) for the offence punishable under Sections 373,376 and 506/34 IPC; Sections 4 and 6 of the POCSO Act and Section 3(2)(v) of the SC/SC (Prevention of Atrocities) Act.

As per prosecution case, on 27.06.2019, the prosecutrix has alleged that two years prior to the lodging of the report, when she was residing with her friend, she came in contact with the co-accused namely Deepak Dhameecha and developed physical relation with her. It is further case of the prosecution that said Deepak Dhameecha and his wife were involved in the sex racket.

Counsels for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He submits that the applicants are in jail since 23.11.2019 and 15.12.2019;the prosecutrix (PW-1) has not stated anything against the applicants before the trial court and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Counsel for the objector as well as the complainant herself has no objection, if the applicants are granted bail.

Having heard counsels for the parties, considered the totality of the fact, in particular the detention period of the applicants and that the

applicants are not involved in the said crime, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

Sd/-
(Rajani Dubey)
Judge