

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8471 of 2019**

1. Rinku Singh & Ors. S/o Ramashray, Aged About 22 Years
2. Prince Kumar Singh S/o Ramashray, Aged About 19 Years
3. Smt Binda W/o Ramashray Aged About 55 Years

Both R/o Ghasidas Nagar Bambe Aawas, Beside P.S. Jamul,
Police Station Jamul, District Durg, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through- Police Of Police Station- Jamul,
District- Durg, Chhattisgarh

---- Respondent**MCRC No. 119 of 2020**

- Smt. Prabha Sinha W/o Shri Tribhuvan Sinha Aged About 34
Years R/o Shastri Nagar Camp - 1, Bhilai Tehsil And District
Durg Chhattisgarh

---- Applicant**Versus**

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

---- Respondent

For Applicants	: Shri Tarun Dansena and Shri Awadh Tripathi, Advocates
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

07/02/2020

As both these M.Cr.C's arise out of the same crime number they are being disposed of by this common order.

The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 647/2019 registered at police station Jamul, district Durg (CG) for the offence punishable under Sections 294,506,323,34,195A and 452 IPC.

As per case of the prosecution, report was lodged by the complainant/victim alleging that some altercation took place between the applicants and her over withdrawing of earlier case which has been registered against them under POCSO Act and other Sections of IPC. It is further alleged that the applicants had threatened her and also gave blows with hand on her face.

Counsels for the applicants submits that the applicants have been falsely implicated in the crime. It is further submitted that the charge sheet has already been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion. It is also submitted that the applicants are in jail since 01.12.2019.

On the other hand, learned counsel for the State opposes the bail applications.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicants, 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 of Rs. 25,000/- each with one surety in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail.

It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the court below if (i) the trial court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial court finds that the applicant remains absent without any sufficient and cogent reason. The applicant is further directed to appear before the concerned SHO/I.O. /In charge of the concerned Police Station on every 1st and 3rd Monday at 11.00 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to the applicant shall stand cancelled by the trial court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

In addition, the applicant is directed not to communicate/contact in any manner with the prosecutrix, her family members and the witnesses cited in the charge sheet any other person concerned or

attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix, her family members and the witnesses may report the said act to the trial Judge and if the trial judge finds after hearing that in any way the applicant directly or indirectly gave pressure does illegal favour in the trial or otherwise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial court may take the applicant in custody including other measures as provided under the law.

Sd/-

(Rajani Dubey)
Judge