

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 674 of 2021

1. Smt. Saraswati Tiwari W/o Shivnarayan Tiwari, Aged About 43 Years,
2. Smt. Priti Pandey W/o Devendra Pandey, Aged About 23 Years,
Both are R/o Village Ward No. 19, Rani Laxmibai Ward, Sanjay Colony, Balodabazar, District Balodabazar-Bhatapara (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through The Station House Officer, P.S. City Kotwali, District Balodabazar (C.G.).

---- Non-Applicant

For Applicants	:	Ms. Shivali Dubey, Advocate.
For Respondent/State	:	Mr. Sudhir Sahu, Panel Lawyer.

MCRC No. 1644 of 2021

1. Dilharan Pandey @ Monu S/o Nakul Prasad Pandey, Aged About 29 Years R/o Shivanagar Kunda, Police Station Kunda Kabirdham, District Kawardha (CG) (Daughter Of Wrongly Mentioned In Impugned Order)

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station City Kotwali Balodabazar, District Balodabazar-Bhathapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. A.K. Yadav, Advocate.
For Respondent/State	:	Mr. Sudhir Sahu, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

16/03/2021

- 1) Heard.
- 2) As both these applications arise out of the same crime number they are being disposed of by this common order.
- 3) Applicants have filed First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as Saraswati Tiwari & Priti Pandey are in jail since 13/12/2020 and Dilharan Pandey @ Monu is in jail since 17/01/2021 in connection with Crime No. 863/2020, registered at Police Station City Kotwali Balodabazar, District Balodabazar-Bhathapara (C.G.) for the offence under Sections 365, 366, 368, 342, 328, 34 of Indian Penal Code.
- 4) Case of the prosecution in brief is that on 05/12/2020 at about 9 PM victim, aged about 30 years had gone to Hanuman Mandir where applicants Saraswati Tiwari & Priti Pandey took her to their house and made her swallow some intoxicating pills. Thereafter, applicant Dilharan Pandey @ Monu was called by the aforesaid applicants and got him married with the victim. The applicant Dilharan Pandey @ Monu took the victim to his house at village Kunda where he kept her with him till 07/12/2020 and thereafter dropped her at the house of the applicant Saraswati Tiwari who in turn dropped the victim at her house on 08/12/2020. On report being lodged to the above effect by the elder sister of the victim, the aforesaid offence have registered against the accused persons.
- 5) Learned counsel for the applicants in both the applications submits that the applicants are innocent persons and have been falsely implicated in this case. The applicants are in jail since and charge sheet has already been filed, and trial is likely to take some time for its disposal. They also submit that the applicants have no criminal antecedents. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the respondent/State

opposes the bail applications.

- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, looking to the allegation made against the present applicants, the detention period of the applicants, charge sheet has already been filed and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. It is directed that in the event **each** of the applicants executing a personal **bond** for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-
 - i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge