

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 430 of 2021

- Surendra Kumar Kandra S/o Shri Nanhari Ram Aged About 21 Years Caste - Dom, Occupation - Private Service, R/o Village Bhithuwa, Police Station And Tahsil Sitapur, District Surguja, Chhattisgarh. Presently Resided At - Babupara, Police Station And Tahsil Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Mahila Thana, Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-Applicant

MCRC No. 1144 of 2021

- Ramniwas S/o Dhansai Aged About 27 Years R/o Village Banda, Chowki Bariyon, Police Station Rajpur, Tahsil Rajpur, District Balrampur Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Mahila Police Station, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

--Non-Applicant

For Applicant	: Shri N.K. Mehta, Advocate in MCRC No. 430/2021
For Applicant	: Shri Jitendra Shrivestava, Advocate in MCRCNo.1144/2021
For Non-Applicant/State	: Ms.Seema Dixit, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

25.02.2021

1. As both the MCRCs arise out of the same Crime Number, they are being heard and disposed of by this common order.

2. The applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, as they are in jail since 2.12.2020 and 19.1.2021 respectively in connection with Crime No.47/2020, registered at Police Station- Mahila Thana, Ambikapur. District Surguja(C.G.) for the offence punishable under Sections 342, 354(C), 506, 509(B) of the IPC and Section 67(A) of the I.T. Act.
3. Case of the prosecution is that the complainant is working as a staff nurse in the Mata Rani Hospital, Ambikapur and the applicant Surendra Kumar Kandra installed a hidden camera in the staff changing room and taken her obscene photographs and made the photographs viral on whatsapp, face book and instagram and the applicant Ramnivas has assisted him in committing the offence. Based on this, the offence was registered and the applicants were taken into custody.
4. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the case. He submits that there is no evidence that the applicant Surendra Kumar Kandra has installed the hidden camera and the applicant Ramniwas has no role in the crime. He submits that on account of some dispute, the complainant has lodged the report against the applicants. He further submits that there is no criminal antecedent against the applicants; charge sheet has been filed and conclusion of trial is likely to take some time, therefore, at this stage, the applicants may be granted bail.
5. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that there are no criminal antecedents against the applicants.
6. Having heard learned counsel for the parties and considering the facts and circumstances of the case and further considering that the applicants are aged about 21 years and 27 years respectively and as submitted by both the counsel there are no criminal antecedents against the applicants; charge sheet has been filed and there is no likelihood of the applicants tampering with the evidence or absconding; the detention period of the applicants and that conclusion of trial is likely to take some time,

without further commenting on merits, I am inclined to grant bail to the applicants.

7. Accordingly, the bail applications are allowed.
8. It is directed that in the event of 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 following conditions:-
 - (a) 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.
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - (d) they shall not involve themselves in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge