

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1887 of 2021

- Roshan Kumar Suman S/o Shri Bhagwat Suman, Aged About 20 Years, Caste-Suryawanshi, R/o Village-Pamgarh, Near H.D.F.C. Bank, Police Station Pamgarh, Civil and Revenue District-Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station-Pamgarh, Civil and Revenue District-Janjgir-Champa, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRC No. 2804 of 2021

- Shani Das S/o Shri Kailash Das, Aged About 20 Years, R/o Village - Pamgarh, Khaiyapara, Ward No. 2, Police Station - Pamgarh, Civil and Revenue District -Janjgir - Champa (C.G.), District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Pamgarh, Civil and Revenue District - Janjgir-Champa (C. G.), District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants – Shri Paras Mani Shriwas, Advocate.

For State/Non-applicant – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-07-2021

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. Both these applications under Section 439 of the Cr.P.C are first bail applications before this Court filed by these applicants for grant of regular bail. Both the applicants have been arrested on 23-12-2020 in connection with Crime No.548/2020 registered at Police Station – Pamgarh, District - Janjgir - Champa, Chhattisgarh for the offence under Section 363, 366(A), 34 of the IPC and Section 17, 18 of Protection of Children from Sexual Offences Act, 2012 and under Section 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. It is submitted by learned counsel for the applicants in both the applications, that the applicants have been falsely implicated. They are in jail since 23-12-2020. There is no allegation of rape against these applicants because the statement of both the victims under Section 164 of the Cr.P.C. clearly reveals that they had willingly gone with the applicants and resided with them and that no incident of any physical relation has occurred. Therefore, it is prayed that the applicants in both these applications be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that age of one of the victims was 13 years and 5 months, and the age of the second victim was 14 years and 2 months, therefore, their statement about willingness is immaterial. The offence against the applicants is of grave nature. Hence, the applications may be rejected.

5. Both the victims in this case are virtually present before this Court through Help Desk of this High Court. They have no objection in grant of bail to both the applicants.

6. Heard learned counsel for the parties and perused the case diary.

7. According to the prosecution case, it is alleged that the applicants in both these applications enticed the minor victims and abducted them. Then, they took them to Raipur, where they kept both of them in their custody in a rented house for sometime until police recovered the victims from their possession.

8. Considered on the submissions. Taking into consideration the statement of both the victims given under Section 164 of the Cr.P.C. regarding which the applicants counsel has made submission, I feel inclined to allow both these applications.

9. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these applicants shall be released on bail on each of them

furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil