

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 421 of 2021**

- Neelam Khunte D/o Ayodhya Prasad Khunte Aged About 29 Years R/o Near Shyam Talkies, Bazaarpara Kargi Road Kota, Tahsil- Kota, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District- Bilaspur, Chhattisgarh.

---- Respondent

MCRCA No. 427 of 2021

- Smt. Aarti Verma W/o Shriram Verma Aged About 42 Years R/o Devnandan Nagar, Phase I, Sarkanda, Tahsil And District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Respondent

For Applicants : Shri Amit Kumar Advocate

For Respondent/ State : Shri Rahul Jha, G.A.

For Objector : Shri Shashi Kumar Kushwaha,
Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/07/2021**

1. Both the anticipatory bail applications are decided by this common order, as

they are arising out of the same crime number.

2. Both applications under Section 438 of the Code of Criminal Procedure has been filed by the applicants apprehending their arrest in connection with Crime No. 79/2021 registered at Police Station Sarkanda, District Bilaspur, C.G. for the offence punishable under Section 354, 376 (ग), 342, 294, 323/34 of I.P.C.
3. As per the prosecution case, one Neeta Singh made a written complaint on 18.01.2021 stating that she was one of the inmate at Ujjawala home and the the present applicants Neelam Khunte and Aarti Verma used to torture and assault her and make her and other inmates sit naked if they objected to any activity. It is further alleged that during the investigation the statement of Durga Patel and Neeta Singh were recorded and it was stated that they were subjected to sexual assault and further it was stated that in the Ujjawala Home certain psychotropic substances were mixed in the food and thereafter taking the meal they used to feel sleepy and subsequently they were subjected to unnatural activities or sexual assault, as after waking up in the morning they could feel total body ache. It is further submitted that one of the inmate Durga Patel has further contended that Jitendra Mourya has committed rape with her and thereby the offence has been committed.
4. Learned counsel for the applicants submits that initially the husband of Neeta Singh abused and forcefully took away 3 girls from Ujjalawa Home therefore a report was made by Jitendra Mourya who run the Ujjalawa Home and case was registered under Section 456 and 294 of the IPC. Thereafter, the present report was made as an counter blast and no evidence exist against the present applicants and they have discharged their duty with due diligence and false allegations have been made against them, therefore the applicants may be given the benefit of anticipatory bail.
5. Per contra, learned State counsel opposes the prayer for grant of

anticipatory bail and read out the statement of Neetu Singh and Durga Patel.

6. Learned counsel for the objector submits that they have no objection to the anticipatory bail.
7. Considering the statement of Neetu Singh and Durga Patel, the present applicants are in-charge and managing the affairs of the Ujjalawa house. Serious allegations have been attributed including inhuman torture, sexual assault and intoxication in the food. It appears that the applicants are trying to influence the witness and considering the seriousness of allegations, when there are number of victims no objection from one of the complainants, the applicants cannot be given benefit, considering the over all aspects, I am not inclined to extend the benefit of anticipatory bail to the applicants.
8. Accordingly, both the anticipatory bail applications are dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti