

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3033 of 2021

1. Rahul Giri S/o Trilokchand, Aged About 27 Years, Resident Of Village Binjhra, Tahsil Podiuproda, District Korba (C.G.).
2. Reyaz S/o Mohd. Ramjan, Aged About 23 Years, At Present Resident Of Jatga, Tahsil Podiuproda, District Korba (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Pasaan, District Korba (C.G.).

---- Non-applicant

For Applicants	:	Mr. Nitesh Shrivastava, Advocate.
For Non-Applicant/State	:	Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 25/04/2021 in connection with Crime No. 43/2021 registered at Police Station Pasaan, District Korba (C.G.) for the offence punishable under Section 354, 354-B, 435, 34 of IPC.
- 3) Case of the prosecution, in brief, is that on 23/04/2021 at around 3:00 PM the prosecutrix alongwith her cousin brother was returning from village Amlikunda on motorcycle to her house. On the way they stopped at the Dhaba of the applicant Rahul @ Golu for having water who was known to them since before. At about 9 PM when the prosecutrix with her cousin brother was going on motorcycle to her house, near Benderjhula Ghat two persons came on motorcycle and tried to stop them. When her cousin brother did not stop the

motorcycle, the broke the head light by hitting it with a club. At that time four other persons came there in a Bolero vehicle and stopped their vehicle in front of the motorcycle of her cousin brother. Thereafter, the applicants reached there and started outrage her modesty. The persons who came in Bolero vehicle tied her brother with a tree and in the meanwhile the prosecutrix ran away towards the forest. After some time when she returned she found her brother tied with the tree and that their motorcycle was set on fire. On report being lodged to the above effect on 24/04/2021 by the prosecutrix, the offence has been registered against the accused persons.

- 4) Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants were arrested on 25/04/2021. He also submits that charge sheet has been filed, applicants have no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation against the applicants, the manner in which the incident took place, in particular the detention period of the applicants, charge sheet has already been filed, applicants are the young offender, offence is triable by Magistrate 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 application is **allowed**. It is directed that in the event **each** of the applicants executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- 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,
- 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authorit,
- v. they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant