

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4328 of 2021

- Kamlesh Jangde S/o Lt. Ashok Kumar Jangde, Aged About 26 Years, R/o- Village - Binauri, P.S. / Tah.- Palari, Distt.- Balodabazar, Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, P.S. - City Kotwali, Distt.- Balodabazar-Bhatapara (Chhattisgarh) (complete district name not mentioned in order impugned), District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

MCRC No. 4174 of 2021

- Vinod Kurre S/o Basant Kurre, Aged About 19 Years, Resident of Parsabhader, Police Station - Balodabazar, District Balodabazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through the Station House Officer, City Kotwali Balodabazar, District – Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Ramsajiwan, Advocate in MCRC No.4328 of 2021
Ms. Supriya Upasane, Advocate in MCRC No.4174 of 2021.
For State/Non-applicant – Shri Sameer Oraon, Govt. Advocate.
Shri Samir Singh, Advocate for the objector/complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

06-08-2021

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 24-05-2021 in connection with Crime No.234/2021 registered at Police Station – City Kotwali, Balodabazar, District – Balodabazar-Bhatapara, Chhattisgarh.

Applicant Kamlesh Jangde (applicant in MCRC No.4328 of 2021) has been arrested in aforesaid crime number for the offence under Section 363,

366, 376, 34 of the IPC and Section 4 of POCSO Act.

Applicant Vinod Kurre (applicant in MCRC No.4174 of 2021) has been arrested in aforesaid crime number for the offence under Section 363, 366, 376 of the IPC and Section 4 of POCSO Act.

3. It is submitted by learned counsel for the applicants in these applications, that the applicants have been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Her statement under Section 164 of the Cr.P.C. shows that she was a willing and consenting party. The allegation against applicant Kamlesh Jangde (applicant in MCRC No.4328 of 2021) is only to this extent that he has helped the main accused, applicant Vinod Kurre (applicant in MCRC No.4174 of 2021) in abducting the minor victim. Therefore, it is prayed that both the applicants be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that the prosecutrix was minor, therefore, her willingness and consent is immaterial and looking to the statement of witnesses against the applicants, they are not entitled for grant of bail.

5. Learned counsel for the complainant submits that the prosecutrix virtually appeared before this Court on 28-07-2021 in MCRC No.4174 of 2021 and objected to grant of bail. Therefore, the complainant side has 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, applicant Vinod Kurre abducted the minor prosecutrix with the help of applicant Kamlesh Jangde and took her to village in Odisha where he kept her in his custody for sometime and she was sexually exploited by applicant Vinod Kurre for some time until she was recovered by the police.

8. Considered on the submissions and the facts present in the case. Taking into consideration the statement of the prosecutrix under Section 164 of

the Cr.P.C. and other circumstances, I feel inclined to allow both the 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge