

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4182 of 2021**

Palash Tiwari, S/o. Shri Santosh Tiwari, aged about 31 years, R/o. Om Society, Sundarnagar, Thana D.D. Nagar, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Azad Chowk, Raipur District Raipur Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 4842 of 2021**

Vridhi Sahu @ Vridhi Manwani, W/o. Shri Sunny Manwani, aged about 21 years, R/o. Sakin Saddu, Sector-3, Near Ekta Chowk, Thana Vidhan Sabha, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Azad Chowk, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vinay Pandey, Advocate
(In M.Cr.C. No. 4182 of 2021)

For Applicant : Mr. T.K. Jha, Advocate
(In M.Cr.C. No. 4842 of 2021)

For Objector/Complainant : Mr. Suresh Tandon, Advocate

For Respondent/State : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/07/2021**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the

applicants, who have been arrested in connection with Crime No.77/2021, registered at Police Station – Azad Chowk, Raipur, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 354, 354 (B), 376 (3), 509, 509(B), 506 (B), 294, 323, 427, 120(B), 34 of the Indian Penal Code, Section 67 of Information Technology Act, 2000 and Section 4 & 8 of the Protection of Children from Sexual Offences Act.

3. It is submitted by the learned counsel for the applicant (in M.Cr.C. No. 4182 of 2021) that the applicant has been falsely implicated in this case. The incident in this case has taken place on 02.05.2021 and 03.05.2021 and this applicant was present only in the incident of 02.05.2021. He has not committed any offence, on the contrary, he had given lift to the prosecutrix for going to her home. This applicant has no connection with the objectionable video etc. He is in jail since 08.05.2021. Hence, it is prayed that the applicant may be enlarged on regular bail.
4. Counsel for the applicant (in M.Cr.C. No. 4842 of 2021) submits that the applicant has been falsely implicated in this case. There had been some quarrel with minor prosecutrix on 02.05.2021, which was resolved and the allegation against this applicant regarding incident of 03.05.2021 is totally false and baseless. Hence, it is prayed that the applicant may be enlarged on regular bail.
5. On the other hand, learned counsel for the State opposes both the bail applications and the submissions made in this respect. It is submitted that there is clear evidence present against the applicant in both the cases regarding offences registered against them,

therefore, none of them are entitled for grant of bail. Therefore, the application be rejected.

6. Counsel for the complainant submits that written objection has been filed. It is submitted that relatives of the applicant in both the cases are constantly threatening the victim of this case, therefore, the applications of both the applicants be rejected.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. According to the prosecution case, on 02.05.2021, the minor victim and her friend Vridhi Sahu, who is applicant (in M.Cr.C. No. 4842 of 2021) both joined a party in the house of applicant- Palash (in M.Cr.C. No. 4182 of 2021). After consuming liquor, the applicant Vridhi Sahu quarreled with the victim and slapped her. At the same time, applicant – Palash brandished a knife. On 03.05.2021, the victim was called by Muskan Ratre for settling her dispute with the applicant – Vridhi Sahu, on which, the victim visited the house of Muskan Ratre, where she was beaten by applicant- Vridhi Sahu. Subsequent to that, victim was taken to Mahadev Ghat, where Muskan Ratre and Vridhi Sahu both disrobed the minor victim and prepared obscene video on the mobile phone. She was again beaten by Muskan Ratre subsequent to which, co-accused Vinay Rakshel administered her some intoxicating substance and after sometime, he took the minor victim to a room in hotel, where he, on the pretext that he will get the video deleted on the mobile phone of other co-accused, raped the minor victim.

9. Considered on the submissions. The allegations against the applicant – Palash Tiwari is only to the extent that he brandished a knife at the time, when the minor victim and co-accused Vridhi Sahu were quarreling with each other. As regards Vridhi Sahu allegation is to this extent that she quarreled, thrashed and helped in recording the obscene video of the minor victim. As the charge-sheet in this case has been filed and the case is now pending for trial, therefore, I do not find any reason to keep these applicants in detention continuously till the conclusion of the trial. Hence for this reason, this Court is of the opinion that present is a fit case, in which, both the applicants should be enlarged on regular bail.
10. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
11. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge