

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5580 of 2021

1. Manoj Sahu S/o. Rambaran Sahu, Aged About 45 Years, Cast - Teli, R/o. Sonhat Tahsil Sonhat, District Korea (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh
2. Pramod Yadav @ Nandau S/o. Shiv Narayan Yadav, Aged About 25 Years, R/o. Patna, Parsapara, Police Station Patna, Presently Resident At Bazar Para, Sonhat, District Korea (Chhattisgarh)

---- Applicants

Versus

- The State Of Chhattisgarh Station House Office - Police Station Sonhat, District Korea (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

----Non-applicant

For Applicants – Mr. Hemant Kumar Agrawal, Advocate.

For Non-applicant/State – Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 08-01-2021 in connection with Crime No.02/2021 registered at P.S. - Sonhat, District Korea, Chhattisgarh. Applicant No.1 Manoj Sahu has been arrested in connection aforesaid crime number for the offence under Section 354 (2 times) of the IPC and Section 8 (2 times) of POCSO Act, and Section 3(1)(W)(i) (2 times) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and applicant No.2 Pramod Yadav @ Nandau has been arrested in connection with aforesaid crime number for the offence under Section 354 R/W 34 (2 times) of the IPC and Section 8 (2 times) of POCSO Act R/W 34 of the IPC and Section 3(1)(W)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act R/W 34 (2 times) of the IPC.
2. It is submitted on behalf of the applicants, that this is second bail application filed by the applicants before this Court. Their first application for grant of regular bail, MCRC No.2608 of 2021 was dismissed as withdrawn on

09-06-2021. It is submitted that the applicants have been falsely implicated. They are in jail since 08-01-2021. Charge sheet has been filed. The FIR lodged is totally false, because of previous enmity with the complainants. The trial is getting delayed. Therefore, it is prayed that the applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the witnesses are clear and categorical against both the applicants regarding commission of offences by them. Therefore, the application may be rejected.

4. The prosecutrix had virtually appeared before this Court on 02-09-2021 and objected to grant of bail to the applicants.

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

6. According to the prosecutrix case, on the date of incident the applicants gave lift to the minor victims in their vehicle and on their way they used physical force to outrage the modesty of both the victims. Subsequent to which, the victims were rescued by a passerby. Thereafter, the FIR has been allowed.

7. Considered on the submissions. For the reason that the case is pending for trial and there is likelihood of delay in conclusion of the same, I feel inclined to allow this application.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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