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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5158 of 2021**

- Kumari Preeti Pandey D/o. Shri Ram Bhadra Pandey, aged about 18 years, R/o. Godaripara, Chirmiri, Police Station Chirmiri, Tahsil Chirmiri, District Koriya (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police of Police Station Chirmiri, District Koriya (C.G.)

---- State/Non-Applicant

M.Cr.C. No. 6042 of 2021

- Sunil Nahak @ Khanna S/o Kavi Nahak, aged about 19 years, R/o Aamanala Haldi Badi, Chirmiri Police Station & Tahsil – Chirmiri, Koriya, District Koriya (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through, Station House Officer, P.S. - Chirmiri, District Koriya (C.G.)

---- State/Non-Applicant

M.Cr.C. No. 5983 of 2021

- Ravi Navik @ Pokde S/o Shri Ram Prakash Navik, aged about 23 years, R/o Mahuwa Dafai, Haldilbadi, Chirmiri, Police Station and Tahsil Chirmiri, District Koriya (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police of Police Station – Chirmiri, District Koriya (C.G.)

---- State/Non-Applicant

And**M.Cr.C. No. 3553 of 2021**

- Rupendra Kumar Navik @ Bittu, Son of Shri Santosh Kumar Navik, aged about 19 years, Caste Kewat, Resident of Nagar Panchayat Pratappur, Police Station Pratappur (wrongly mentioned as Surajpur in the impugned order), Tahsil Surajpur, District Surajpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : the Station House Officer, Police Station Chirmiri, District Koriya (Chhattisgarh)

---- State/Non-Applicant

For Applicant	:	Shri Anil Gulati, Advocate appears in M.Cr.C. No. 5158/2021
For Applicant	:	Shri Shubham Tripathi, Advocate appears in M.Cr.C. No. 6042/2021
For Applicant	:	Shri Pravin Kumar Tulsyan, Advocate appears in M.Cr.C. No. 5983/2021
For Applicant	:	Shri V.K. Pandey, Advocate appears in M.Cr.C. No. 3553/2021
For Non-Applicant/State	:	Shri Priyanshu Gupta, Panel Lawyer
For Objector	:	Shri Pushkar Sinha, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

09.09.2021

1. Heard.
2. All the above bail applications are being disposed of by this common order.
3. M.Cr.C. No. 5158 of 2021; M.Cr.C. No. 6042 of 2021 and M.Cr.C. No. 5983 of 2021 are the first bail applications under Section 439 of Cr.P.C. preferred by the respective applicants arising out of the same crime number i.e. 176/2021 registered in Police Station- Chirmiri, District Koriya (CG) for the offence punishable under Sections 323, 347, 384, 394, 506 read with Section 34 of IPC.
4. M.Cr.C. No. 3553 of 2021 is the first bail application under Section 439 of Cr.P.C. preferred by applicant- Rupendra Kumar Navik @ Bittu which arises out of Crime No. 97 of 2021 registered in Police Station Chirmiri, District Koriya (C.G.) for the offence punishable under Sections 376 (2) (n), 342 & 506 of IPC.
5. Shri Pravin Kumar Tulsyan, learned counsel appearing on behalf of applicant- Ravi Navik @ Pokde i.e. M.Cr.C. No. 5983/2021 and Shri V.K. Pandey, learned counsel appearing on behalf of applicant- Rupendra Kumar Navik @ Bittu i.e. M.Cr.C. No. 3553 of 2021, seek to withdraw the bail applications on behalf of Ravi Navik @ Pokde & Rupendra Kumar Navik @ Bittu with liberty to file afresh as and when occasion arises.

6. Accordingly, the bail applications on behalf of applicants- Ravi Navik @ Pokde & Rupendra Kumar Navik @ Bittu i.e. M.Cr.C. No. 5983/2021 & M.Cr.C. No. 3553 of 2021 are dismissed as withdrawn with the liberty as stated above.
7. Now this Court considers the bail applications on behalf of applicants – Kumari Preeti Pandey and Sunil Nahak @ Khanna i.e. M.Cr.C. No. 5158/2021 & M.Cr.C. No. 6042/2021.
8. Prosecution case, in brief, is that a report was lodged by complainant- Shahil Singh alleging in it that on 21.06.2021 applicant – Preeti Pandey took him to Haldibadi Manglam Hotel, where the friends of Preeti Pandey namely Ravi Pokde (applicant in M.Cr.C. No. 5983/2021) and Sunil Nahak (applicant in M.Cr.C. No. 6042/2021) were present. After taking meals in the said hotel, applicant- Preeti Pandey told the complainant to make a telephonic call to his mother saying that he is marrying Preeti and ask for money from his mother and if he will not call, she will implicate him in rape case. When the complainant refused to call his mother, applicants Ravi Pokde and Sunil Nahak caused hurt to complainant by hands and fists and robbed mobile phone and motorcycle of the complainant.
9. Shri Anil Gulati and Shri Shubham Tripathi, learned counsel appearing on behalf of applicants in their respective bail applications, submit that the applicants- Kumari Preeti Pandey and Sunil Nahak @ Khanna are innocent persons and have been falsely implicated in these cases. They submit that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 22.06.2021, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
10. On the other hand, learned counsel for the State as well as learned counsel for the objector oppose the bail applications. Learned counsel for the State

submits that applicants- Kumari Preeti Pandey and Sunil Nahak @ Khanna have no criminal antecedents.

11. Heard learned counsel for the parties.

12. Considering the facts and circumstances of the case, considering the nature of allegations made against present applicants- Kumari Preeti Pandey and Sunil Nahak @ Khanna in respective bail applications, the detention of the applicants who are 18 & 19 years old, and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by counsel for the parties, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial may take some time, without commenting anything on merits of the case, the applications on behalf of applicants- Kumari Preeti Pandey and Sunil Nahak @ Khanna are allowed.

13. It is directed that in the event of each of the applicants (Kumari Preeti Pandey and Sunil Nahak @ Khanna) executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail, on 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/her from disclosing such fact to the Court.
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- 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 Government / State Government / Local Authority.
- v. they shall not involve themselves in any offence of similar nature in future.

14. 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 nature of offence.

15. In the result, M.Cr.C. No. 5158/2021 & M.Cr.C. No. 6042/2021 are allowed on the above terms and conditions, whereas M.Cr.C. No. 5983/2021 & M.Cr.C. No. 3553/2021 are dismissed as withdrawn with the aforesaid liberty as prayed for.

Sd/-

(Gautam Chourdiya)
Judge

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