

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6625 of 2021**

1. Prince Johny Xaxa S/o Jayman Xaxa, Aged About 20 Years By Caste - Uraon, R/o Village-Sanna, Police Station And Tahsil-Sanna, District - Jashpur Chhattisgarh.
2. Pawan Xalxo S/o Stanislaus Xalxo, Aged About 20 Years By Caste - Uraon, R/o Village-Sanna, Police Station And Tahsil-Sanna, District - Jashpur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Station - Sanna, District - Jashpur Chhattisgarh.

---- Respondent

For the Applicants : Shri J.K. Saxena, Advocate.
 For the Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.09.2021**

Heard.

1. This is the first bail application 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.5 of 2021, registered at Police Station – Sanna, District – Jashpur, Chhattisgarh for the offence punishable under Sections 294, 323, 506, 342, 354 and 365, 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that the applicants are in jail since 16.8.2021 and have been falsely implicated in this case. Both the minor victims in this case are students in which, the mother of applicant No.1

is a teacher and also Hostel Superintendent. The minor victims were caught stealing by the mother of applicant no.1 for which they were handed-over to the police but the FIR was not lodged against the minor victims instead of that, a false FIR has been lodged against these applicants and the other co-accused persons. The applicants had earlier filed an application for anticipatory bail but the same was rejected, therefore, subsequent to that, both the applicants themselves surrendered on 16.8.2021 before the trial Court and sent to jail. The trial against the applicants is likely to take sometime for its final disposal. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the victims have given a very clear statement against these applicants making allegations regarding the offence registered against the applicants, therefore, the applicants are not entitled for grant of bail.

4. Complainant – Rajendra Yadav was present before this Court on 21.9.2021 and he made a statement that he has objection in grant of bail to the applicant.

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

6. According to the prosecution case, the minor victims were taken to the hostel by these applicants on pretext that co-accused – Prasanna Xaxa, the teacher was calling them. Both the victims were sent in the kitchen room

and the door was bolted from outside. In the night time, both the applicants came to the hostel and in the kitchen room in a drunken condition and asked the victims to take off their clothes stating that they want to video-graph them. When the victims refused, it is alleged that these applicants tied the hands and feet of the victim and the friend of the minor victim was disrobed. Subsequent to that, these applicants and the other co-accused came on the spot and thrashed the minor victims alleging that they have come for stealing regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. As the case is now pending before the trial Court and no purpose would be served if the applicants were kept in detention for the whole period of trial, I feel inclined to grant regular bail to the applicants.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi