

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6700 of 2021

1. Ahilesh Kumar Kunjam S/o Baran Singh Kunjam, Aged About 27 Years, R/o Village Mandradah (Mandradarha) P.S. Narharpur District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh
2. Deepak Kunjam S/o Charan Singh Kunjam Aged About 23 Years R/o Village Tikrapara Mandradah (Mandradarha) P.S. Narharpur District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through the Station House In-Charge, Police Station Narharpur, District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

----Non-applicant

For Applicants – Shri Sandeep Shrivastava and Shri Akash Agrawal, Advocate.
For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 01-03-2021 in connection with Crime No.03/2021 registered at P.S. - Narharpur, District North Bastar Kanker, Chhattisgarh for the offence under Section 354 of the IPC and Section 8, 12 of the POCSO Act.
2. It is submitted on behalf of the applicants, that the applicants have been falsely implicated. They are in jail since 01-03-2021. Charge sheet has been filed. Co-accused Ramendra Kumar Vatti has been granted bail by this Court by order dated 15-06-2021 passed in MCRC No.903 of 2021. The case of these applicants is also similar. Therefore, it is prayed that these applicants may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence present against these applicants for

their prosecution. Therefore, the application may be rejected.

4. The presecutrix and her father Jailal Sori, the complainant are virtually present through the Help Desk of DLSA Kanker. They have no objection in grant of bail to these applicants.

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

6. According to the prosecution case, on the date of incident the victim and her friend who is also a victim were on their way to home when these applicants and the co-accused stopped them and by making use of physical force outraged their modesty.

7. Considered on the submissions. As the charge sheet in this case has been filed and the trial is likely to take some time and further, the co-accused person has also been granted bail, therefore, 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