

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6955 of 2021

1. Bhupendra Das Vaishnav S/o Purushottam Das Vaishnav, Aged About 19 Years, R/o House No. 264, Bazar Para Bhedwan, Police Station Sarangarh, District Raigarh (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh Through Police Of Police Station Sarsiwa Balodabazar, District Balodabazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Sanjeev Kumar Shu, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, P.L.

MCRC No. 7385 of 2021

1. Chandrahas Yadav S/o Mayaram Yadav, Aged About 23 Years, R/o Bhedwan, P.S. Sarangarh, District Raigarh (C.G.).
2. Shiv Kumar Yadav S/o Mayaram Yadav, Aged About 25 Years, R/o Bhedwan P.S. Sarangarh, District Raigarh (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer P.S. Sarsiwa, District Balodabazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicants	:	Mr. Akhtar Hussain, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order On Board

11/11/2021

- 1) Heard.
- 2) Since both these applications arise out of the same crime number, they are being disposed of by this common order.

- 3) These are the **Second Bail Applications** filed by the applicants under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. Their First Bail Application i.e. MCRC No. 5012/2021, MCRC No. 5050/2021 & MCRC No. 5019/2021 were dismissed as withdrawn vide order dated 02/08/2021.
- 4) The applicants are arrested on 25/06/2021 in connection with Crime No. 134/2021 registered at Police Station Sirsiwa Balodabazar, District Balodabazar-Bhatapara (C.G.) for the offence under Sections 366, 120B, 34 of Indian Penal Code.
- 5) As per the prosecution case, on 24/06/2021 at about 11 AM when the prosecutrix was coming back to her home after taking bath from the pond, applicant Chandrahas Yadav came there by Car with other co-accused persons and forcibly made her sit in the Car. The said Car was driven by applicant Bhupendra Das Vaishnav. Applicant Chandrahas Yadav pressurized the prosecutrix for marrying him and told that if she refused, he would commit suicide. Applicant Chandrahas Yadav also slapped the prosecutrix. However, somehow the prosecutrix escaped from there and went to the house of her Aunt. On report being lodged to the above effect, the aforesaid offenses has been registered against the accused persons.
- 6) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. In fact there was love affair between the applicant Chandrahas Yadav and the prosecutrix and they wanted to marry but the same was not approved by the family members of the prosecutrix and therefore a false report was lodged against the applicants. Other co-accused Janiram Sidar and Lukeshwar Sidar have been granted bail by the Trial Court vide order dated 02/07/2021. In her statement under Section 164 of Cr.P.C. the prosecutrix has not named applicant Bhupendra Das Vaishnav. It is submitted that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding. It is further submitted that applicants are in jail since

25/06/2021, charge sheet has been filed and conclusion of trial is likely to take some time. Therefore, the applicants deserve to be released on bail.

- 7) On the other hand, learned counsel for the State opposes the bail applications.
- 8) I have heard learned Counsel for the parties.
- 9) Considering the facts and circumstances of the case, the fact that the applicant Bhupendra Das Vaishnav was only driver of the vehicle, there was one sided love affair of the applicant Chandrahas Yadav with the prosecutrix, the detention period of the applicants who are 19, 23 & 25 years old respectively, charge sheet has already been filed, the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties, the applicants are the local residents of the same area where the prosecutrix resides and conclusion of trial may take some time for its disposal, the applications are **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the 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 from disclosing such fact to the Court,
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
 - iv. they shall not involve themselves in any offence of similar

nature in future.

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 offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant