

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9176 of 2020

1. Tarun Sahu, S/o Mundu Ram Sahu, Aged About 36 Years, R/o Village Godgonda, P.S. Punjipathara, Tahsil- Tamnar, District Raigarh Chhattisgarh.
 2. Chhavilal Sahu, S/o Chinilal Sahu, Aged About 25 Years, R/o Village Godgonda, P.S. Punjipathara, Tahsil- Tamnar, District- Raigarh Chhattisgarh.
- Applicants**

Versus

- State Of Chhattisgarh, Through: Office In Charge, Police Station Punjipathara, District- Raigarh Chhattisgarh.

---- Non-Applicant/State

For Applicants	:	Shri Rahul Patanwar, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

25.02.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 24.10.2020 in connection with Crime No. 210/2020 registered at Police Station- Punjipathara, District- Raigarh (C.G.) for the offence punishable under Section 354 C, 354 D, 384, 392, 509-B, 34 of IPC and Section 67 A of I.T. Act.
- 2) Case of the prosecution, in brief, is that on 14.10.2020 the prosecutrix alongwith her fiance had gone to Banjari temple by motorcycle. While returning, the applicants and one co-accused namely Ugrasen Sahu met them near Godgoda Nala Ghat and started misbehaving them. On being objected by the prosecutrix, the applicants threatened the prosecutrix of life and looted cash of Rs. 8,000/- from the fiance of the prosecutrix and one mobile phone worth Rs. 5,000/-. The applicants after removing the sim card from the mobile and returned the mobile to the prosecutrix.

It is further alleged that the applicants made the prosecutrix and her fiancé with removing their cloth forcibly and shot their obscene picture, as also tried to outrage her modesty. Thereafter, the applicants demanded Rs. 2 lacs for not circulating the obscene photographs and when the said amount was not paid, the applicant Tarun Sahu sent the obscene photograph and video clipping in the mobile phone of the brother of the prosecutrix.

- 3) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, they have not committed any offence. Learned counsel for the applicants further submits that the applicants have no criminal antecedents, the applicants are in jail since 24.10.2020, the similarly situated co-accused person namely Ugrasen Sahu has already been granted bail by the co-ordinate Bench of this Court vide order dated 11.02.2021 in MCRC No. 8281 of 2020, charge-sheet has already been filed, conclusion of trial is likely to take some time, therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedent.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the co-accused person namely Ugrasen Sahu has already been granted bail, detention period of the applicants, charge-sheet has already been filed, the applicants have no criminal antecedents, there is no likelihood of the applicant tempering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, therefore, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- (a) 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.
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

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

Nadim