

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8765 of 2020

1. Rajesh Parte S/o Janpad Parte Aged About 32 Years
2. Rajendra @ Bhurwa Parte S/o Sampat Singh Parte Aged About 30 Years
(Both are R/o Village Khamraha, Ward No. 08, Police Station Rengakhar, District Kabirdham Chhattisgarh)

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Rengakhar, District Kabirdham Chhattisgarh

---- Non-applicant

For Applicants : Mr. Dharmesh Shrivastava, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-01-2021

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 17.11.2020, in connection with Crime No. 36/2020, registered at Police Station-- Rengakhar, District- Kabirdham, C.G. for offence punishable under Sections 363, 294, 506 and 354 read with Section 34 of I.P.C. and Section 7 and 8 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in the case. The only allegation against these applicants is regarding commission of offence under Section 363 of I.P.C. which is also a false allegation. The applicants are in jail since 17.11.2020. Charge-sheet has been filed. Hence, it is prayed that these applicants may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the minor victims of this case have clearly alleged

against these applicants in their statement under Section 161 of Cr.P.C., therefore, these applicants are not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the applicant No.1 allured one of the minor victims to come with him and forced her to call the other minor victim. It is alleged that applicant No.1 then forced the minor victims by putting them under threat to go with him to a place where two unknown persons were waiting on a motorcycle. The minor victims were handed over by these applicants to two unknown persons. They by force took the minor victim on the motorcycle to a village-Samnapur where one of those persons made an attempt to outrage the modesty of one of the victims. When his attempt was opposed by the minor victims, both the persons left them and fled. The minor victims kept wandering for sometime then after the information was received by their relatives, the victims were brought back to their parental house. Hence, this case.
6. Considered on the submissions and the facts of the case and looking to the nature of allegations that are present against these applicants and the fact that the investigation in this case is now complete and the case is pending for trial, I feel inclined to allow this application.
7. 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 their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge