

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 330 of 2021

1. Krishna Kumar Komare S/o Shri Mangiyaram Komare, Aged About 28 Years, Caste- Gond, R/o Village- Deori Balaji, Post- Dhanesara, Thana and Tahsil- Narharpur, Civil and Revenue District- North Baster Kanker (C.G.), District : Kanker, Chhattisgarh
2. Ajay Korram S/o Shri Ramesh Korram, Aged About 19 Years, Caste- Gond, R/o Village- Deori Balaji, Post- Dhanesara, Thana and Tahsil- Narharpur, Civil and Revenue District- North Baster Kanker (C.G.), District : Kanker, Chhattisgarh
3. Dhaniram Komare S/o Shri Mangal Singh Komare, Aged About 30 Years, Caste- Gond, R/o Village- Deori Balaji, Post- Dhanesara, Thana and Tahsil- Narharpur, Civil and Revenue District- North Baster Kanker (C.G.), District : Kanker, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Narharpur, District- North Baster Kanker (C.G.), District : Kanker, Chhattisgarh

---- Non-applicant

MCRC No. 1345 of 2021

- Anuj Kumar Nareti S/o Shri Chaman Singh Nareti, Aged About 21 Years, R/o Village- Deori Balaji, Post- Dhanesara, Thana And Tahsil- Narharpur, Civil and Revenue District- North Baster Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Narharpur, District- North Baster Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Non-applicant

For Applicants – Shri Sunil Sahu, Advocate.

For State/Non-applicant – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

31-03-2021

1. As both these applications arise out of the same crime number, they are being decided by this common order.
 2. Both these applications under Section 439 of the Cr.P.C are first bail application before this Court filed by these applicants for grant of regular bail.
- The applicants in MCRC No.330 of 2021 have been arrested on 03-01-2021

and the applicant in MCRC No.1345 of 2021 has been arrested on 07-01-2021 in connection with Crime No.01/2021 registered at Police Station – Narharpur, District- North Baster Kanker, Chhattisgarh for the offence under Section 354/34 and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by learned counsel for the applicants in both the applications that the applicants are innocent and they have been falsely implicated. The victim has lodged false FIR against these applicants because of enmity. The applicants in MCRC No.330 of 2021 are in jail since 03-01-2021 and the applicant in MCRC No.1345 of 2021 is in jail since 07-01-2021. Charge sheet has been filed. Therefore, it is prayed that they may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that there is direct evidence present against these applicants. The statement has been made by two eye-witnesses who were present on the spot. Therefore, it is not a good case for grant of bail.

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

6. The prosecution case is this, that on the date of incident the victim had been to watch program of new year and was coming back when these applicants accosted her, physically outraged her modesty by touching her body parts, regarding which the FIR has been lodged.

7. Considered on the submissions. As these applicants are in jail since about three months, charge sheet has been filed and there is no reason to keep them in continuous detention till conclusion of the trial, hence, I feel inclined to allow both these applications.

8. Consequently, both these applications filed under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these 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

Aadil