

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3035 of 2021

- Jitendra Mourya S/o Lt. Ramji Mourya Aged About 59 Years R/o D-3 Songanga Colony, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Respondent

For Applicants : Shri Awadh Tripathi, Advocate

For Respondent/ State : Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/07/2021

1. This is the first Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 20.01.2021 in connection with Crime No. 79/2021 registered at Police Station- Sarkanda District Bilaspur, C.G. for the offence punishable under Sections 342, 294, 323, 376 (π), 354 of IPC.
2. As per the prosecution case, one Neeta Singh made a written complaint on 18.01.2021 stating that she was one of the inmate at Ujjawala home and the

the present applicants Neelam Khunte and Aarti Verma used to torture and assault her and make her and other inmates sit naked if they objected to any activity. It is further alleged that during the investigation the statement of Durga Patel and Neeta Singh were recorded and it was stated that they were subjected to sexual assault and further it was stated that in the Ujjawala Home certain psychotropic substances were mixed in the food and thereafter taking the meal they used to feel sleepy and subsequently they were subjected to unnatural activities or sexual assault, as after waking up in the morning they could feel total body ache. It is further submitted that one of the inmate Durga Patel has further contended that Jitendra Mourya has committed rape with her and thereby the offence has been committed.

3. Learned counsel for the applicant submits that initially report was made against husband of Neetu Singh that he forcefully took away Neetu Singh and other two girls for which report was made to the police and case was registered under section 456 and 294 of the IPC. As a counter blast to it the present report was made it is further submitted that though Neetu Singh has lodged certain wild allegations but she came to Ujawala house on 16.01.2021 and the report was made on 17.01.2021 which would show that she has made wrong averments and it is not possible within one day to make such allegations. It is further submitted that Durga Patel has also alleged about rape but she has not made any report and it would be very easy to allege these type of charges, therefore case was registered against the husband of Neetu Singh and false allegations have been made, therefore the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and read out the statement of Neetu Singh, Durga Patel and Anjali recorded

under Section 161 and 164 of Cr.P.C wherein the allegations are made that Jitendra Mourya used to sexually assault one of the inmates and further certain psychotropic substances were also found in the blood samples of 5 girls which were collected.

5. Considering the statement of Neetu Singh and Durga Patel and the fact that from the blood samples of girls certain psychotropic substances were found, I am not inclined to grant bail to the applicant.
6. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti