

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3710 OF 2015**

1. Noharlal Yadav S/o late Ramkishun Yadav, aged about 47 years,
 2. Bisram Yadav S/o late Ramkishun Yadav, aged about 59 years,
 3. Dhiraj Yadav S/o Dularva Yadav, aged about 47 years,
 4. Mohit Yadav S/o Dhiraj Yadav, aged about 23 years,
 5. Milan Yadav S/o Late Mehtar Yadav, aged about 45 years,
 6. Netram Yadav S/o Late Bahur Singh Yadav, aged about 40 years,
- Both are R/o Village Bundelikhurd, Police Station Ghumka, Tahsil & District Rajnandgaon C.G.

---Applicants**Versus**

State of Chhattisgarh through the police Station A.J.K. Rajnandgaon, District Rajnandgaon C.G.

---Non-applicant

For Applicants	:	Mr. Rakesh Pandey, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 02/2015, registered at Police Station A.J.K. Rajnandgaon, District Rajnandgaon C.G., for the offence punishable under Sections 376, 294, 506, 323 read with Section 34 of I.P.C., and Sections 3(1)(xii), 3(2)(v), 3(1)(x) of SC & ST (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that, co-accused Lalsharan Yadav committed sexual intercourse with the prosecutrix and a meeting

convened on 04/06/2015, applicants abused her filthy causing aspiration her caste and thereby committed offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in offence in question. He would further submit that there is no allegation against them and no useful purpose would be served by keeping them in jail. He would lastly submit that charge sheet has been filed and applicants are in jail since 08/06/2015 therefore, they may be released on regular bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that allegation of rape is against accused- Lalsharan Yadav.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question; pretrial detention of the applicants and charge sheet has been filed, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Noharlal Yadav, Bisram Yadav, Dhiraj Yadav, Mohit Yadav, Milan Yadav & Netram Yadav, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE