

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4936 of 2015

1. Farukh Khan, S/o Shri Abdul Mazid, aged about 22 years,
2. Kalim Khan, S/o Abdul Mazid, aged about 23 years,
3. Azam Khan, S/o Hasim Shah, aged about 23 years,

All resident of P.S. & Tahsil Manendragarh, Distt. Korea (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station Manendragarh, Distt. Korea (C.G.)

---- Non-applicant

For Applicants:	Mrs. Anju Ahuja, Advocate.
For Non-applicant:	Mr. S.R.J. Jaiswal, Panel Lawyer.
For Objectors:	Mr. Amrito Das, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/09/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.166/2015, registered at Police Station Manendragarh, Distt. Korea, for the offence punishable under Sections 294, 323, 354 (ख), 147, 506, 355, 354, 504 of the IPC; 8, 12, 17 and 128 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 18-7-2015, the applicants and three other co-accused persons assaulted complainant Santosh Manjhi, his two minor daughters and one major son, and also outraged the modesty of his two minor daughters.
3. Learned counsel for the applicants submits that the applicants have not committed any offence, they have been falsely implicated in the case and

they are in jail since 20-7-2015. There is no evidence to connect the present applicants with the offence in question, they are young persons aged about 22 years and 23 years, there are no previous criminal antecedents of the applicants and therefore, they be released on bail.

4. On the other hand, learned State counsel and learned counsel for the objectors oppose the application and submit that the applicants and three other co-accused persons not only outraged the modesty of two minor daughters of the complainant, but they have also torn the clothes of two minor daughters and torn clothes have been seized from the possession of the accused persons. They further submit that applicant No.1 Farukh Khan is having previous criminal antecedents i.e. offence punishable under Sections 294, 506 and 323 of the IPC under Crime No.145/2011 and, therefore, the applicants should not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. At this stage, learned counsel for the applicants seeks to withdraw the bail application so far as it relates to applicant No.1 Farukh Khan, with liberty to repeat afterwards, at appropriate time.
7. The application so far as it relates to applicant No.1 Farukh Khan is dismissed as withdrawn with liberty aforesaid.
8. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of applicants No.2 & 3, their pre-trial detention and the fact that charge-sheet has been filed, I am of the view that it is a fit case to enlarge applicants No.2 & 3 namely Kalim Khan & Azam Khan, respectively, on regular bail. Accordingly, the application so far as it relates to applicants No.2 and 3, is allowed.
9. It is, therefore, directed that applicants No.2 & 3 namely Kalim Khan &

Azam Khan, respectively, 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 Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge