

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6278 of 2015

1. Riyajuddin @ Chunnu, S/o. Shri Sirajuddin, aged about 24 years,
2. Saddam, S/o. Shri Sirajuddin (wrongly mentioned as "Riyajuddin" in the order dated 24.08.2015), aged about 22 years

Both R/o. Manendragarh, Police Station & Tahsil – Manendragarh, District Korea (C.G.)

----Applicant

Versus

State Of Chhattisgarh, Through : the Station House Officer, Police Station – Manendragarh, District Korea (C.G.)

---- Respondent

For Applicant	: Mr. Rishi Rahul Soni, Advocate
For Respondent/State	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

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.166/2015, registered at Police Station – Manendragarh, District – Korea (C.G.) for the offence punishable under Section 147, 294, 506, 323, 355, 354, 354-B, 504 of Indian Penal Code and Sections 8, 12, 17, 18 (wrongly mentioned as 128 in the order dated 24.08.2015) of the Protection of Children from Sexual Offences Act 2012.
2. Case of the prosecution, in brief, is that on 18.07.2015, 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 would submits that applicants have

not committed any offence, they have been falsely implicated in the case and they are in jail since 19-07-2015. There is no evidence to connect the present applicants with the offence in question, they are young persons aged about 24 and 22 years, there are no previous criminal antecedents of the applicants. He would further submit that similarly placed co-accused has been enlarged on bail by the coordinate Bench of this Hon'ble Court in M.Cr.C.No.4936/2015, vide order dated 21.09.2015, and therefore, he prays that the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail, however, do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the fact that similarly placed co-accused has been enlarged on bail by co-ordinate Bench of this Court in M.Cr.C.No.4936/2015 vide order dated 21.09.2015, I am inclined to allow this application and release the applicants on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge