

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7102 of 2015

1. Manmohan Das, S/o. Dilbodh Das, aged about 50 years, R/o. Village-Manipur, Bhatthapara, P.S. -Ambikapur, District – Surguja (C.G.)
2. Shyam Das, S/o. Arjun Das, aged about 42 years, R/o. Village-Nawapara, P.S.-Ambikapur, District – Surguja (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Police Station Gandhinagar, District – Surguja (C.G.)

---- Respondent

For Applicants : Mr. Sunil Tripathi, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

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.219/2015, registered at Police Station – Gandhinagar, District – Surguja (C.G.) for the offence punishable under Section 354 of I.P.C. and Section 7 & 8 of Protection of Child from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 01.11.2015 at about 10.00 o'clock, in the night, the applicants in the state of intoxication tried to outrage the modesty of the victim, thereby, the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that as per the documents of the charge-sheet, the complainant herself was lodged with the Child Welfare Society on 02.11.2015 as she

was begging, therefore, the applicants have been falsely implicated in this case. He would further submit that charge-sheet in this case has been filed and the applicants are in jail since 01.11.2015, therefore, the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the statement of the victim, without any observation on merits, for the purpose of bail, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged 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 his 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