

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4298 OF 2015**

1. Rajesh Devangan S/o Bandhan Ram, aged about 19 years,
 2. Sanju Yadav S/o Ramkeshwar Yadav aged about 19 years,
- Both R/o Village Mahuli Ginwapara P.S. Trikunda, Revenue District Balrampur (C.G.) Civil Distt. Sarguja.

---Applicants**Versus**

State of Chhattisgarh, Through: Station House Officer, P.S. Trikunda District Balrampur (C.G.) Civil Distt. Sarguja.

---Non-applicant

For Applicants	:	Mr. Sakti Raj Sinha, Advocate
For Non-applicant	:	Mr. Siddharth Rathore, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

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. 25/2015, registered at Police Station Trikunda Distt. Balrampur Ramanujganj (C.G.), for the offence punishable under Sections 457, 354, 323/34 of I.P.C. & 9(g)/10 of POCSO Act.
2. Case of the prosecution, in brief, is that, applicants entered into the house of complainant on 22/04/2015 and outraged modesty of complainant and assaulted her.
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 delay of six days in lodging FIR as FIR was lodged on 28/04/2015. He would further submit that charge sheet has been filed and applicants are in jail 30/04/2015 therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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; charge sheet has already been filed; extent of delay in lodging FIR and pretrial detention of the applicants, 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, Rajesh Devangan and Sanju 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.

Sd/-
(Sanjay K. Agrawal)
JUDGE