

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5901 of 2015

1. Santosh Kumar Paswan, S/o. Navalkishore Paswan, Aged About 23 Years.
2. Gopal Paswan, S/o. Pavitra Paswan, Aged About 35 Years.
3. Sattu Paswan, S/o. Seetaram Paswan, Aged About 34 Years.
4. Baidyanath Kahar, S/o. Triloki Kahar, Aged About 40 Years,
(wrongly mention in the impugned order as Vednath Kahar)

All R/o. Behind Shiv Shakti Kirana Shop, Arun Kediya Ka Makan,
Kailash Nagar, P.S. Jamul, Tahsil & Distt. Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Incharge, P.S.
Jamul, Distt. Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. Arvind Kumar Dubey, Advocate

For Respondent : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.355/2015 registered at Police Station- Jamul, District Durg (C.G.) for the offence punishable under Sections 456, 354, 294, 506-B/34 of Indian Penal Code.
2. Case of the prosecution is that on 02.08.2015 at about 8:30 P.M. the complainant while was cooking she heard the noise that the door was being knocked and when she went to the room of first floor and opened the door, the applicants were present there who have crossed over from the adjacent where she was residing as tenant. She closed the door, however, she was abused and

thereafter on making noise all the accused fled away and thereafter, the offence has been registered.

3. Learned counsel for the applicants submits that the charge sheet in this case has been filed and the applicants are in jail since 03.08.2015. He further submits that the statement of the complainant would show that no offence would be made out under Section 354 of IPC as no effort has been made to outrage the modesty of the complainant/victim and considering the fact they are in jail since 03.08.2015, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact of this case and the statement of the complainant; further taking into fact that the applicants are in jail since 03.08.2015 and the charge sheet has been filed; considering the pretrial detention of the applicants and the fact that the offence is triable by the JMFC, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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

