

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6589 of 2015

1. Mohd. Shami, S/o. Abdul Sallaam, aged about 23 years, R/o. Mohaarpara, Ward No.9, P.S. & Tahsil Manendragarh, Civil and Revenue District – Korla (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Adil Minhaz, 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 applicant who has been arrested in connection with Crime No.166/2015, registered at Police Station – Manendragarh, District – Korla (C.G.) for the offence punishable under Section 147, 294, 323, 506, 504, 354, 354-B, of Indian Penal Code and Sections 8, 12, 17, 18 of the Protection of Children from Sexual Offences Act 2012.
2. Case of the prosecution, in brief, is that on 18.07.2015, the applicant 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 applicant would submit that applicant has not committed any offence, he has been falsely implicated in the case and he is in jail since 26-10-2015. There is no evidence to connect the present applicant with the offence in question, he is young person

aged about 23, there are no previous criminal antecedents of the applicant. 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 applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge