

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7033 of 2015

1. Dilharan S/o. Melan Kashyap, aged about 18 years,
2. Ramnaresh, S/o. Sitaram Kashyap, aged about 22 years,
Both R/o. Village-Nawagaon (Jait), Post Office-Sukli, Police Station-Lormi, District – Mungeli (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station, Lormi, District -Mungeli (C.G.)

---- Respondent

For Applicants : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

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.436/2015, registered at Police Station – Lormi, District – Mungeli (C.G.) for the offence punishable under Section 294, 506, 323, 354, 34 of I.P.C. and Section 3(1) (10) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that the applicants in order to outrage the modesty of the victim caught hold of her hand and thereby tried to take her towards school and when her brother came down and objected, the applicants abused him in the name of caste and thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case due to previous animosity. He would further submit that though the incident has happened on 28.09.2015 but the report was made on 30.09.2015 after two days of the incident and the statement of the victim has already recorded and further no evidence is necessary. He would further submit that the applicants are in jail since 31.10.2015, therefore, he 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. Having regard to the facts and circumstance of the case and the gravity of the offence and the degree of allegation levilled against the applicants and further taking into the fact that the applicants are in jail since 31.10.2015, 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 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