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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5725 of 2015

1. Rajesh Chauhan, S/o. Shri Hiralal, aged about 20 years, R/o. Village-Kharwanipara, P.S. & Tahsil – Baramkela, District Raigarh, Civil and Revenue District- Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station Baramkela, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. M.K. Sinha, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

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.97/2015, registered at Police Station – Baramkela, District Raigarh (C.G.) for the offence punishable under Section 354, 341, 294, 506, 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 21.08.2015 applicant and two other co-accused persons outraged the modesty of the minor victim and also threatened and abused her and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that applicant is in custody from 28.08.2015 and the charge sheet is yet to be filed but substantial investigation has already been made. He further submits that other similar co-accused has been enlarged on bail by the Co-ordinate Bench of this Hon'ble Court by order dated 28.09.2015, passed in M.Cr.C. No. 4939/2015, therefore, he prays that the applicant may be released 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 consideration that another co-accused has been enlarged on bail by the Co-ordinate Bench of this Hon'ble Court and the State counsel do not oppose that the allegations are similar to that, this Court is of the opinion that present is a fit case, in which, the applicant 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 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