

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3586 of 2016

Nawal Diwakar, S/o. Amardas, Aged About 20 Years, R/o. Village Araiband, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station- City Kotwali, Mungeli, District - Mungeli, Chhattisgarh.

---- Respondent

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MCRC No. 3589 of 2016

Radhe Lal, S/o. Sanat Kumar, Aged About 22 Years, R/o. Village Araiband, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station- City Kotwali, Mungeli, District - Mungeli, Chhattisgarh.

---- Respondent

For Applicants : Mr. B.P.Banjare, Advocate

For Respondent : Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.07.2016

1. These are 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.254/2016, registered at Police Station- City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 456, 354, 506, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 18.03.2016 the applicants alongwith the other co-accused Kailash Kurre entered into the house of the prosecutrix and Kailash Kurre tried to outrage her modesty, thereby the offence is committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case because as per the statement under Section 164 of Cr.P.C. the present applicants Nawal Diwakar & Radhe Lal have not identified and they were not present in the spot when the incident took place; therefore, considering the fact that the charge sheet has been filed, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and taking into the statement under Section 164 and further considering the fact that the charge sheet has been filed, without any observation on merit, I am inclined to release the applicants on bail.
6. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge