

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3798 of 2016

1. Kaushal Tandon, S/o. Dayaram Tandon, Aged About 36 Years, R/o. Behind Chandulal Chandrakar Hospital, Bhilai, Tahsil & District Durg, Chhattisgarh.
2. Sheikh Shamim, S/o. Noor Mohammad, Aged About 39 Years, R/o. Sharda Para, Camp-2, Bhilai, Tahsil & Distt. Durg, Chhattisgarh.
3. Mohammad Salman, S/o. Mohammad Mumtaz, Aged About 31 Years, R/o. Sharda Para, Camp-2, Bhilai, Tahsil & Distt. Durg, Chhattisgarh.
4. Umesh Deshmukh, S/o. Late Gopi Deshmukh, Aged About 33 Years, R/o. 3/7, Nehru Nagar (West), Bhilai Thana Supela, Tahsil & District Durg, Chhattisgarh.
5. Balaram Sinha, S/o. Mannulal, Aged About 34 Years, R/o. Village & Post Anda, Tahsil & Distt. Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. Kanak Tiwari, Senior Advocate with
Mr. Vikas Dubey, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.07.2016

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.151/2016, registered at Police Station- Supela, Bhilai, District Durg (C.G.) for the offence punishable under Section 354, 506/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the victim had made a report that the applicants have uttered certain words to outrage her modesty and also the accused Kaushal Tandan, Sheikh Shamim &

Umesh caught hold of one of the victim and touch her cheeks and thereafter on the report being made, the applicants have been arrested as they tried to outrage the modesty of the victim who are the employees.

3. Learned counsel for the applicants would submit that the applicants are also employees and because of the official animosity such report has been made and the applicants have been falsely implicated. He further submits that the charge sheet in this case has been filed and no further evidence is required and the applicants are in jail since 09.06.2016, therefore, considering such fact, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim under Section 161 & 164 of Cr.P.C. Taking into the nature of offence and degree of allegation and further considering the fact that the charge sheet has been filed and no further investigation is required and the applicants are in jail since 09.06.2016, I am inclined to release the applicants on bail.
6. Accordingly, 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