

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7647 of 2015

1. Rohit Yadav, S/o. Kumar Yadav, Aged About 19 Years.
2. Dadu Yadav, S/o. Santu Yadav, Aged About 25 Years.
3. Devsharan Chandrakar, S/o. Kishan Lal Chandrakar, Aged About 24 Years.
4. Toshan Kumar Sahu, S/o. Tejram Sahu, Aged About 24 Years.

All are R/o. Village Bemcha, P.S. City Kotwali, Mahasamund, District Mahasamund (Chhattisgarh)

---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, Police
Station Mahasamund, District Mahasamund (Chhattisgarh)

---- Respondent

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2016

1. This is the second 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.430/2015, registered at Police Station– Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 294, 323, 506, 354, 325/34 of Indian Penal Code.
2. The first bail application is dismissed as withdrawn on 18.11.2015 in M.Cr.C. No.6158 of 2015.
3. Case of the prosecution, in brief, is that on 28.09.2015 a report was made by the victim/ complainant that few persons were hurling

abuses outside her house and when it was opposes, the applicants assaulted the victim and when the brother of the victim/girl intervened to save her, he was also assaulted. During such scuffle, the applicants tried to outrage the modesty of the victim and assaulted by way of club and also dragged the saree of the victim.

4. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case, as earlier to the incident the applicants have lodged a report against the brother of the victim. He further submits that earlier to that incident, the brother of the victim has assaulted Rohit and Devsharan i.e. the applicant No.1 & 3 for which the medical examination was also made. Subsequently, it resulted into a scuffle in between the parties and exaggerated statement has been made. He further submits that the charge sheet in this case has been filed and the applicants are in jail since 07.10.2015, therefore, they may be enlarged on bail.
5. On the other hand, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Perused the statement of the case diary and the charge sheet. Considering the facts and circumstances of the case and taking into degree of allegation and the counter allegation of each of the parties and further taking into fact that the charge sheet has been filed and the applicants are in jail since 07.10.2015, I am inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok