

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4816 of 2016

1. Mukesh Jha S/O Shri Shubhchandra Jha Aged About 31 Years R/O Krishna Nagar, Korba, Police Out Post Manikpur Of Police Station City Kotwali Korba, Tahsil & Civil & Revenue District Korba, Chhattisgarh.
2. Jatashankar Jha S/O Shri Shubhchandra Jha Aged About 37 Years R/O Krishna Nagar, Korba, Police Out Post Manikpur Of Police Station City Kotwali Korba, Tahsil & Civil & Revenue District Korba, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Out Post Manikpur Of Police Station City Kotwali Korba, Tahsil & Civil & Revenue District Korba, Chhattisgarh.

---- Respondent

For Applicants : Mr. B.K. Chakraborty Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-08-2016

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 on 24-07-2016 in connection with Crime No. 175 of 2016, registered at Police Out Post Manikkpur of Police Station City Kotwali, Korba, District Korba (CG) for the offence punishable under Sections 354-A & 354-B of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 19-4-2014 a report was made by the complainant that when she went to the shop of the applicants, servant of the shop was working in the shop and passed

some comments on the victim girl which were being encouraged by the present applicants and they used to stare over such comments on her and also used to talk abusive words in her presence and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that in-fact some dispute took place between the applicants and the complainant for which a report was made as per Annexure A/3 and as an encounter a false report has been made against the applicants. He would further submit that the applicants have been falsely implicated in the case, charge-sheet has been filed in this case, the applicants are in jail since 24-07-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have perused the case diary and documents.
6. Perused the statement of the victim girl recorded under Sections 161 and 164 of the Cr.P.C.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the statement of the victim girl and the report (Annexure A/3) filed by the applicants and also the fact that the charge-sheet has been filed and the applicants are in jail since 24-7-2016, 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 and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju