

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5533 of 2016

1. Soniya Kashyap, S/o. Ludaru Ram, aged about 24 years, R/o. Village-Gumadi, P.S. - Makari, Revenue and Civil District – Kondagaon (C.G.).
2. Phoolman Poyam, S/o. Chaituram Poyam, aged about 20 years, R/o. Village-Eairla, P.S. - Makari, Revenue and Civil District – Kondagaon (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Police Station – Makari, District – Kondagaon (C.G.)

---- Respondent

For Applicants	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2016

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.32/2015, registered at Police Station – Makari, District – Kondagaon (C.G.) for the offence punishable under Section 354 (A), 354 and 456 of 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 16.08.2015 at about 11.30 PM, the applicants along with other co-accused entered into the Kanya Ashram and thereafter tried to outrage the modesty of the girl and when the light was put on, one of the accused fled away with blanket. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and they have not tried to outrage the modesty of the any girl. It is further submitted that the victims in this case have been examined and they have not identified the present applicants. It is further submitted that the applicants are in jail since 22.10.2015, therefore, the counsel prays that the applicants may be enlarged 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.
6. Perused the statement of the victim P.W.-5, P.W.-6 and P.W.-7. Considering their statements and the degree of allegation levelled against the applicants, without any further observation on merits this Court is of the opinion that present is a fit case, in which, the applicants 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge