

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7421 of 2015

1. Shakharam S/o Manhagu Lodhi Aged About 21 Years R/o Gochhiya, Police Station - Kawardha, Civil & Revenue District - Kabirdham Chhattisgarh
 2. Deelip S/o Maniram Aged About 25 Years R/o Gochhiya, Police Station - Kawardha, Civil & Revenue District - Kabirdham Chhattisgarh
- Petitioners**

Versus

- State of Chhattisgarh Through - District Magistrate / Station House Officer, Police Station - A. J. K. Kawardha, District Kabirdham Chhattisgarh
- Respondent**

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.55 of 2015 registered at P.S. A.J.K., Kawardha, District Kabirdham (C.G) for the Offence punishable under Sections 354/34 of IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The prosecution case, in brief, is that on the date of incident, the victim went to pond with his mother. While she was coming back, the applicants caught hold of her hand, gagged her mouth and tried to outrage her modesty and on alarm being raised by the prosecutrix, the applicants fled away.
3. Learned counsel for the applicants submits that since there is family dispute between the parties, the applicants have been falsely implicated in this case. He further submits that

the charge sheet in this case has been filed and the applicants are in jail since 05.12.2015, therefore, he prays for releasing them on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary and the statement recorded u/s 164 Cr.P.C., wherein the victim has not supported the case of prosecution.
6. Taking into such contradictory statement of the victim thereby she has not supported the case of prosecution as also the fact that the charge sheet in this case has been filed, I am inclined to release the applicants on bail.
7. Accordingly, this application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**