

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5038 of 2016

1. Sanjay Yadav, S/o. Lachhan Yadav, age about 32 years,
 2. Lildhar Yadav, S/o. Ratan, aged about 30 years,
- Both are Caste-Raut, R/o. Village-Tamta, Thana + Tahsil- Pathalgaon,
District – Jashpur (C.G.), Civil and Revenue District – Jashpur, District
– Jashpur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Station House Officer, P.S. -
Pathalgaon, District – Jashpur (C.G.)

---- Respondent

For Applicants	: Mr. Manoj Chauhan, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/08/2016

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 applicants who have been arrested in connection with Crime No.113/2016, registered at Police Station – Pathalgaon, District – Jashpur (C.G.) for the offence punishable under Section 341, 354, 354(D), 294, 323 & 34 of Indian Penal Code and Section 3 (1) (11) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 06.05.2016, the complainant while was coming from the meeting on the cycle at that time, the applicants intercepted her way, showed obscene gesture and thereafter blew whistle and also caught hold of her hand and tried to drag her and thereby tried to outrage the modesty of the complainant. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the prosecutrix is working in the NGO and there are some dispute occurred in village in working, therefore, the false allegation have been leveled. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 22.05.2016, 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 case diary, documents and the statement of the victim. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation leveled against the applicant and the fact that charge-sheet in this case has been filed and the applicants are in jail since 22.05.2016, 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