

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 907 of 2016

- 1. Badrika Sahu S/o Fanduram Sahu Aged About 32 Years Occupation - Agriculturist, R/o - Village - Lodhiya, P/S & Tahsil - Kharsiya, Civil & Revenue District - Raigarh Chhattisgarh
- 2. Bhupendra Sahu S/o Ramnarayan Sahu Aged About 25 Years Occupation - Agriculturist, R/o - Village - Lodhiya, P/S & Tahsil - Kharsiya, Civil & Revenue District - Raigarh Chhattisgarh-**Applicants**

Versus

- State of Chhattisgarh through S. H. O. of P/S. Kharsia, District - Raigarh Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Abhishek Saraf, Advocate
For the State	:	Mr. Neeraj Sharma, Dy.Govt. Adv
For the Complainant	:	Mr. Manoj Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.09.2016

- 1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 310/2016 registered at P.S. Kharsia, Distt. Raigarh (C.G) for the offence punishable under Sections 452, 354, 323, 506(B)/34 of IPC.
- 2. As per the prosecution case, a report was made by one Badrika Bai Jaiswal that her son Chudamani while preparing to take his food at that time applicant No.1 Badrika Sahu came in intoxicated condition, entered inside the house and assaulted Chadumani. Subsequently on being resisted, he left the spot and again came back holding a rod in his hand alongwith applicant no.2 Bhupendra Sahu and subsequently they assaulted the complainant and thereafter tried to outrage the modesty of the lady.
- 3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and earlier a report

was made by the applicants against the complainant and her family members, therefore, as a counter-blast a false report has been made.

4. Per contra, learned State Counsel as also learned counsel for the objector opposes the bail and would submit that the applicants have the credit of different criminal cases.
5. Perused the statement of Badrika Bai.
6. Considering the statements of Badrika Bai & Harishankar Jaiswal and the totality of the facts and circumstances, I am of the opinion that it is not a case where the benefit of section 438 Cr.P.C., can be extended to the applicants. Accordingly, this application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**