

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6395 of 2017

1. Mukesh Yadav S/o Ramesh Yadav, Aged About 20 Years, R/o Adarsh Nagar Chamda Godown, Raigarh, District Raigarh Chhattisgarh
2. Mukesh Ravani @ Sonu Ravani, S/o Shri Inder Ravani, Aged About 22 Years, R/o Adarsh Nagar Chamda Godown, Raigarh, District Raigarh Chhattisgarh

----Applicants

Versus

- State Of Chhattisgarh Through S. H. O., City Kotwali, Raigarh Chhattisgarh

---- Non-applicant

For Applicants –Shri Amit Sharma, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for regular bail. The applicants have been arrested on 31-07-2017 in connection with Crime No.438/2017 registered at Police Station – Chowki - Jute mill-P.S. City Kotwali, District Raigarh, C.G. for the offence under Section 354 of the IPC and 8, 12 of POCSO Act, 2012.

2. It is submitted on behalf of the applicants that the applicants are innocent and they have been falsely implicated in this case. The applicants have committed no such act which can be regarded as molesting the victim. The applicants are in jail since 01-08-2017. They are willing to abide by all the conditions imposed on grant of bail. Hence, it is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the

application and submission made. It is submitted that age of the victim girl child is merely 10 years whose modesty was outraged by the applicants, hence, the offence is of grave nature. Therefore, the applicants do not deserve to be enlarged on bail.

4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident, the victim came in her house and complained that one of the applicants caught hold of her hand and another applicant was by force kissing on her cheek, on this information father of the victim has lodged the FIR against the applicants and the applicants have been arrested and detained.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration the facts and circumstances of this case and particularly this that availability of the applicants for the purpose of trial shall not be compromised if they are released on bail, I am of this view that they should be granted regular bail.

8. Consequently, the application (MCRC No.6395/2017) filed under Section 439 of the Cr.P.C. by the applicants is hereby allowed. 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge