

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7275 of 2017**

1. Suman Netam S/o Budhram Netam Aged About 25 Years R/o Village Bastar Budra Police Station Vishrampuri District Kondagaon Chhattisgarh.
2. Milan Shori S/o Gandaram Aged About 32 Years R/o Village Bastar Budra Police Station Vishrampuri District Kondagaon Chhattisgarh.
3. Chamara Ram S/o Sonsay Aged About 45 Years R/o Village Bastar Budra Police Station Vishrampuri District Kondagaon Chhattisgarh.

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Police Station Vishrampuri District Kondagaon Chhattisgarh.

**---- Respondent**

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

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**02/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 85/2017, registered at Police Station- Vishrampuri, District – Kondagaon (C.G.) for the offence punishable under Sections 354(A), 341, 294, 506/34 of Indian Penal Code (for short 'IPC') and under Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 31.10.2017. Belated FIR has been deliberately lodged by the complainant only for the reason, that applicants had objected to the

use of path on the land belonging to them. It is also informed, that the investigation has been completed and charge-sheet has been filed, hence, prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is a criminal history of all the applicants, who have cases against them under the provisions of IPC and also have proceedings against them under the Code of Criminal Procedure and that there is a clear and categorical allegation against the applicants about the commission of offence in the statement of the witnesses, hence, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The case against the applicants are these that on the date of incident when the complainant and other witnesses were passing through the place of incident, the applicants obstructed their path by using abusive words and threatening them that the complainant will be raped and then the complainant and others were chased out by the applicants from the place of incident. FIR was lodged on 30.9.2017 in which the reason for delay has been mentioned that the complainant and others were consulting their family members before lodging FIR.
6. Considering the submissions made, contents of the case diary and looking to the nature of the case against the applicants in the present case, I am of this opinion that no purpose would be served by keeping the applicants in custody till the conclusion of trial and also looking to this fact that they are local resident of the locality, whose availability before the trial Court shall not be compromised if they are enlarged on bail, hence, this appears to be a fit case where the applicants should

be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for his appearance as and when directed.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Nisha