

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4084 of 2018**

1. Ramayan Sinha S/o Tika Ram Sinha Aged About 32 Years R/o Village Birjhuli, Police Station Magarlod, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Rajendra Kumar Sahu S/o Makhan Lal Sahu Aged About 39 Years R/o Village Birjhuli, Police Station Magarlod, District Dhamtari Chhattisgarh.
3. Ishwar Nagarchi S/o Shobha Ram Nagarchi Aged About 26 Years R/o Village Birjhuli, Police Station Magarlod, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
4. Harish Kumar Sahu S/o Makhan Lal Sahu Aged About 41 Years R/o Village Birjhuli, Police Station Magarlod, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer , Police Of Police Station Magarlod, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Anil Gulati, Advocate.
For the Respondent/State	:	Shri Anant Bajpai, P.L.
For the Objector	:	Shri K.P.S. Gandhi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2018**

Heard.

2. 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.84 of 2018, registered at Police Station – Magarlod, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 354, 354(B), 376(D) and 323 read with Section 34 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants are in jail since 27.4.2018 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The victim in this case has been examined before the trial Court and she has not supported the prosecution case. Hence, under these circumstances, it is prayed that the applicants be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

5. Learned counsel for the Objector opposes the bail application and submits that no case is made out for grant of regular bail to the applicants.

6. Heard counsel for both the parties and perused the case diary.

7. According to the prosecution case, on the date of incident, the victim in this case had a dispute with these applicants and thereafter, she was manhandled and her modesty was outraged by these applicants. Hence, this case.

8. Perused the contents of the case-diary and also perused the certified copy of the deposition of the victim in which though she admitted that she and all the applicants engaged in some quarrel but regarding the other allegation she has not supported the prosecution case, for which she has been declared hostile. Hence, looking to the development and change in

the circumstances, I feel inclined to grant regular bail to the applicants.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge