

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5757 of 2018

- Kush Kumar And Anr. S/o Ram Singh Sarthi Aged About 19 Years By Caste- Ghasiya, R/o- Village- Thagao, P.S.- Khadwaga, District- Korea, Chhattisgarh.
- Eatwar Singh S/o Ganbhir Singh Aged About 22 Years R/o- Village Thangao, P.S. Khadwaga, District- Korea, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S.- Khadgawa, District- Korea, Chhattisgarh.

---- Respondent

For Applicants	: Shri Sanjay Pathak, Advocate.
For Respondent/State	: Shri Vivek Singhal, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/09/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 75/2018, registered at Police Station Khadgawa, District Korea (C.G.) for the offence punishable under Sections 354, 354 B, Section 8 of the POCSO Act 2012 and Section 3 (1)(B) of the SC, ST Prevention of Atrocities Act.
2. As per the prosecution story, on 25-05-2018, prosecutrix along with her friends who were aged about 15-16 years returning from call of nature allegedly near Mahua tree the present applicants along with co-accused persons reached there and caught hold their hands and trying to outraged of modesty and all of sudden relatives of the prosecutrix were reached there and after seeing them the applicants and co-accused persons have fled away from the spot. On the basis of written report, FIR has been lodged and offence has been

registered.

3. Learned counsel appearing on behalf of the Applicants submits that applicants are innocent and they have been falsely implicated in the present case. He further submits that applicants are in jail since 29-05-2018, charge-sheet has already been filed and trial will likely to take some time to conclude, therefore, applicants may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution. Further considering the fact that the applicants are in custody since 29-05-2018, charge-sheet has already been filed and trial will likely to take some time to conclude, without further commenting on merit of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- each with one surety in the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge