

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6127 of 2018

1. Shiv Kumar S/o Harbhajan Gond Aged About 25 Years Thaggoan, Police Station Khadgavan, District Koriya Chhattisgarh
2. Dinesh Kumar Sahu S/o Bal Krishan Sahu Aged About 25 Years R/o Village Tendudand, Thaggoan, Police Station Khadgavan, District Koriya Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khadgavan, District Koriya Chhattisgarh

---- Respondent

For Applicants	: Shri D.N. Prajapati, Advocate.
For Respondent/State	: Shri Bhaskar Pyashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/09/2018

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 Khadgavan, District Koriya (C.G.) for the offence punishable under Sections 354 & 354 (B) of the IPC, Section 8 of the POCSO Act 2012 and Section 3 (1-5) 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 other co-accused persons namely Kush Kumar and Eatwar Singh 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 the other co-accused persons namely Kush Kumar and Eatwar Singh have already granted benefit of bail by this Court vide order dated 06-09-2018 passed in M.Cr.C. No. 5757/2018, present applicants are in jail since 29-05-2018, charge-sheet has already been filed and trial will take some time. 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 other co-accused persons have already granted benefit of bail by this Court, 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 merits 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 each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge