

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6508 of 2018

- Shobharam And Anr. S/o Shri Bagar Singh Rathia Aged About 19 Years Occupation Laborer, R/o Village Kafarmar, Tahsil And Police Station Kharsia, District Raigarh Chhattisgarh
- Ramadhar S/o Manaram Rathia Aged About 23 Years Occupation Laborer, R/o Village Kafarmar, Tahsil And Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Of The Out Post Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Respondent	: Shri Abhishek Saraf, Advocate
For Respondent/State	: Shri Ashish Shukla, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/09/2018

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 424/2018 registered at police station Kharsiya, District Raigarh (CG) for the offence punishable under Sections 294,506,323,354,354(A) and 452/34 IPC

As per prosecution case, on 23.07.18 FIR was lodged by the complainant alleging that on 22.07.2018 at 3.00 p.m. when she was sitting at her shop and driver of Indrabhan Tiwari stopped the pickup vehicle, purchased some articles and spoke in a filthy language with her husband. It

is stated that some altercation took place between her husband and the driver. Further case of the prosecution is that at about 5.00 p.m. one Varun Tiwari came along with a driver and one labour who are the applicants herein, and again started abusing and tried to molest the complainant.

Counsel for the applicants submits that the applicants are innocent and they have been falsely implicated. He further submits that the main accused are absconding. He submits that the applicants are in jail since 13.08.18 and the trial will take time for final disposal and therefore they may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicants, I am inclined to release them on bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond of Rs. 20,000/- with one surety each in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail.

Sd/-

(Rajani Dubey)
Judge