

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 384 of 2019**

1. Bhagwat Adil, S/o Shri Devcharan Adil, aged about 42 years.
2. Urmila W/o Bhagwat Adil, aged about 40 years.

Both are resident of village Neur, Outpost Chandanu, Police Station Nandghat,
District Bemetara (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Nandghat,
District Bemetara (CG). **---- Non-applicant**

For Applicants : Mr. C.P. Lahrey, Advocate.
For Non-applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.330/2017 registered at Police Station Nandghat, District Bemetara for the offence punishable under Sections 354, 452, 394, 325 read with 34 of IPC and Sections 7 & 8 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 27.10.2017, the prosecutrix was aged about 18 years old and her mother complainant was aged about 50 years old. Both are resident of village Neur. On 27.10.2017 in between 9:00 to 9:30 a.m. at village Neur, the applicant No.1-Bhagwat Adil caught hold the hand of the prosecutrix to outrage her modesty and, thereafter, the applicants had beaten the complainant by hands, fists and club and robbed one golden necklace from her.
4. Counsel for the applicants submits that the applicants have not committed any offence. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the

applicants in police case diary.

6. Looking to the above mentioned facts and circumstances of the case and looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Accordingly, the bail application is allowed.
7. It is directed that if the applicants furnish two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs.50,000/- each to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not involve any such type of crime in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-