

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4420 of 2019

1. Sogendra Nagesh S/o Rewaram Nagesh Aged About 21 Years R/o Village - Beharabuda, Bajrang Para, Post Office And Police Station - Gariyaband, District - Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
2. Rameshwar Dhruv S/o Jeevan Lal Dhruv, Aged About 19 Years R/o Village - Beharabuda, Bajrang Para, Post Office And Police Station - Gariyaband, District - Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Sihawa, District - Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicants : Shri Shivendu Pandya, Advocate.

For Non-applicant : Shri Ravi Masheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board04.09.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 46/2019 registered at Police Station – Sihawa District – Dhamtari (C.G.) for the offence punishable under Sections 363 and 366 of the Indian Penal Code and Sections 8 of the POCSO Act.
3. Case of the prosecution, in brief is that on 02.06.2019 prosecutrix was more than 16 years of age. She is resident of village Chhinditola. On 02.06.2019

applicant Sogendra Nagesh took her on pretext of marriage, applicant Rameshwar Dhruv was also alongwith him. He used criminal force on her body to outrage her modesty.

4. Learned counsel for the applicants submits that applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he will appear before the concerned Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE