

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4641 of 2019

1. Sukhdev Patel S/o Dukalu Patel Aged About 23 Years.
 2. Pintu @ Ramadhar Patel S/o Shyamlal Patel Aged About 20 Years,
(Caste wrongly mentioned in the order sheet).
- Both are R/o Village Mudghusari Maidan Police Station And Tahsil Bodla, District Kabirdham Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bodla, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajkumar Pali, Advocate.
For Respondent	: Mr. Srikant Kaushik, PL.
For Objector	: Mr. Pradeep Singh Rathore, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/08/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.117/2019 registered at Police Station– Bodla, District–Kabirdham, (C.G.) for the offence punishable under Sections 354, 34 of Indian Penal Code and Section 11 & 12 of Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicants that applicants have not committed any offence and have been falsely implicated in this case. They are in jail since 02.7.2019. Chargesheet has been filed after completion of investigation. Therefore, it is prayed that they may be granted regular bail.
3. On the other hand, learned counsel for the State opposes the bail

application.

4. Learned counsel for the objector after adopting the arguing advanced by the State counsel, submits that it is a case where minor girl was molested by these applicants. Hence, they are not entitled for grant of bail.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, on the date of incident, minor victim had been to the Badi to answer the call of nature and at that relevant point of time, these applicants caught hold of her and outraged her modesty. Hence, this case.
7. Considering the facts and circumstances of this case and the fact that chargesheet has been filed, applicants are in jail since 02.7.2019 and the trial against them are pending, no purpose would be served in keeping the applicants in custody during whole period of trial, this Court is of the opinion that present is a fit case, where these applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge