

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5372 of 2019

1. Daya Shankar Nirmalkar, S/o Manharan Aged About 22 Years R/o Village Mohtara (Latuwa), Thana Balodabazar, District-Balodabazar Bhatapara Chhattisgarh.
2. Prahlad Ghritlehre S/o Dhaniram Ghritlehre Aged About 21 Years R/o Village Karmandih, Thana Balodabazar, District-Balodabazar Bhatapara Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Outpost Police Station City Kotwali Balodabazar, District-Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mrs. Supriya Upasane, Advocate.

For Respondent : Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/08/2019

1. This bail first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.411/2019 registered at Police Station–City Kotwali, Balodabazar, Chhattisgarh for the offence punishable under Sections 354, 34 of Indian Penal Code & Section 3(2)(V)A SC/ST Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 24.07.2019. These applicants have not committed any offence. Charge-sheet has been filed, after completion of investigation, hence, it is prayed that they may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that looking to the statement made by the victim, these applicants are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The victim in this case has lodged FIR that on the date of incident, both these applicants confined the victim in a room and then by use of physical force outraged her modesty. Hence, this case.
6. Considering that the applicants are presently students and they have not any criminal antecedents and, further, for the reason that charge-sheet has been filed, I feel inclined to allow the application of these applicants.
7. 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 for a 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.

Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge