

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7332 of 2019**

- Anil Nishad S/o Jhangaluram Nishad Aged About 28 Years, R/o Lalkhadan Domuhani, Police Station Torwa Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Torwa, District Bilaspur, Chhattisgarh.

---- Respondent

MCRC No. 7569 of 2019

1. Naseeb Nishad S/o Vishram Nishad Aged About 30 Years, R/o Village- Domuhani Diprapara, Police Station- Torwa, Tahsil And District- Bilaspur, Chhattisgarh.
2. Manoj Nishad @ Monu S/o Late Manohar Aged About 27 Years, R/o Village- Domuhani Diprapara, Police Station- Torwa, Tahsil And District- Bilaspur, Chhattisgarh.
3. Shyam Sundar @ Chhotu S/o Horiram Nishad Aged About 36 Years, R/o Village- Domuhani Diprapara, Police Station- Torwa, Tahsil And District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Torwa, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Dharmesh Srivastava, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/12/2019**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by the common order.
2. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 346/2019 registered at Police Station Torwa, District-Bilaspur (C.G.) against applicants for the

offence punishable under Section 354(A), 354(A) (i)(ii), 34 of the IPC and 3(1)(a)(i)(ii) of SC & ST (Prevention of Atrocities) Act.

3. The prosecution story, in brief is that, the complainant/prosecutrix lodged a written report that the present applicants went near the shop of the complainant and entered into the shop and recite some obscene words and on objection of the complainant they tore the clothes of the complainant. Based on this offence has been registered against the present applicants.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the age of the prosecutrix is above 19 years and the applicant Anil Nishad is in jail since 16.10.2019 and applicants Naseeb Nishad, Manoj Nishad @ Monu and Shyam Sundar @ Chhotu are in jail since 08.11.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the applicant Anil Nishad is in jail since 16.10.2019 and applicants Naseeb Nishad, Manoj Nishad @ Monu and Shyam Sundar @ Chhotu are in jail since 08.11.2019 the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the applications are allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one solvent surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**