HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9784 of 2018

1. Mogra Bai Vishwakarma W/o Late Brijlal Vishwakarma Aged About 46 Years R/o Near Mat Choura Mahmand Police Station Torwa District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Akashdeep S/o Late Brijlal Vishwakarma Aged About 24 Years R/o Near Mat Choura Mahmand Police Station Torwa District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Sarad S/o Late Brijlal Vishwakarma Aged About 21 Years R/o Near Mat Choura Mahmand Police Station Torwa District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

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

---- Non-applicant

For Applicants : Shri Amit Kumar, Advocate.
For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.01.2019

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 learned counsel for the State in connection with crime No. 407/2018 registered at Police Station – Torwa District Bilaspur (C.G.) for the offence punishable under Sections 307, 326, 294, 506/34 of the Indian Penal Code.

3. Case of the prosecution, in brief is that on 05.10.2018 complainant Uday Kumar Vishwakarma had gone in the house of his Dedsaas applicant No. 1 Mongra Bai as a guest. Applicants making false allegation that he was molesting applicant No.1 Mongra Bai, applicant No. 2 Akashdeep and applicant No. 3 Sarad caught hold him, abused him and gave threats to kill, applicant No.1 Mongra Bail cut private part of the complainant by blade.

4. Learned counsel for the applicants argued that applicants 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.

6. Counsel for the applicants submitted that applicants are in jail since 10.10.2018. complainant was caught hold of his private part to applicant No. 1 Mongra Bai. He had tried to climb over on her, thereafter alleged incident happened. Applicant No. 1 has lodged FIR first. He drew my attention on the true copy of the FIR Annexure A-2 which is part of the bail application.

7. Whether the alleged offence has been committed on alleged self defence, it would be considered by the trial Court at the time of disposal of the case.

8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

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