

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 823 of 2020**

- Leeladhar Yadav S/o Vidya Yadav Aged About 72 Years R/o Village Pakargaon, Tahsil Pathalgaon, District Jashpur, Chhattisgarh.
- Lingraj Yadav S/o Leeladhar Yadav Aged About 42 Years R/o Village Pakargaon, Tahsil Pathalgaon, District Jashpur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Police Station Pathalgaon, District Jashpur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sanjay Agrawal, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/03/2020**

1. 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. 274/2019 registered at Police Station-Pathalgaon, District-Jashpur (C.G.) for the offence punishable under Sections 354, 452 and 323/34 of the IPC.
2. The prosecution story, in brief is that, on 19.12.2019 the complainant lodged a report that on 19.12.2019 at about 5 am., the applicants entered into the complainant's house without her permission and the applicant No. 1 Leeladhar Yadav pulled complainant's saree, dropped her and also touched her breast. It is further alleged that the

applicant No. 2 Lingraj Yadav caught hand of Saraswati and was trying to outrage her modesty and also assaulted her. Based on this, offence has been registered against the present applicants.

3. 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 applicant No. 1 Leeladhar Yadav is in jail since 13.01.2020 and applicant No. 2 Lingraj Yadav is in jail since 14.01.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. 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 applicants are in jail since 13.01.2020 and 14.01.2020 and 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 application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- with one local 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 and the applicants are directed not to communicate/contact in any manner with the prosecutrix, her family members and the witnesses cited in the charge sheet and any other person

concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix, her family members and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicants directly or indirectly gave pressure for illegal favour in the trial or otherwise, the bail granted to the applicants shall be cancelled without further reference to the bench and the concerned trial Court may take the applicants in custody including other measures as provided under the law.

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

H.L. Sabu