

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6578 of 2020

1. Bholesh Kumar S/o Narendra Kumar Sahu, Aged About 21 Years, R/o Village Jevartala, Tahsil Devri, District Balod Chhattisgarh, District : Balod, Chhattisgarh
2. Vikas Sahu S/o Tomanlal Sahu, Aged About 21 Years, R/o Village Jevartala, Tahsil Devri, District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Devri, District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Non-applicant/Respondent

For Applicant – Shri D.N. Prajapati, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 01-09-2020 in connection with Crime No.128/2020 registered at P.S. - Devri, District Balod, Chhattisgarh for the offence under Section 294, 354, 323/34 of the IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. In fact it had been a case of altercation between two parties. The complainant side has taken benefit of the minor victim and lodged a totally false FIR against the applicants because of the enmity. The applicants are in jail since 01-09-2020. Charge sheet has been filed after completion of the investigation. Therefore, it is prayed that the application be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the counter case mentioned is afterthought, otherwise the

facts are against the applicants and they are not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, it is alleged that on the date of incident these applicants abused and assaulted the minor victim and during that incident they also outraged the modesty of the minor victim by use of physical force on her person. Hence, this case.

6. Considering that the charge sheet has been filed and there is likelihood of delay in conclusion of the trial, I feel inclined to allow this application.

6. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge