

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7139 of 2020

1. Rajesh Sahu, S/o Gangaram, Aged About 32 Years.
2. Durjan Sahu, S/o Nirbhay Sahu, Aged About 23 Years.

Both are R/o Village - Jevartala, Police Station - Devri, District - Balod (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through - Station House Officer, Police Station - Devri, District - Balod (C.G.)

--- Respondent

For Applicants : Mr. D.N. Prajapati, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 128/2020, registered at Police Station- Devri, District- Balod (C.G.) for the offence punishable under Section 294, 354, 323/34 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicants submits that the applicants are in jail since 01.09.2020 and have been falsely implicated in

this case. Totally false FIR has been lodged against the applicants. In fact, it had been a case of quarrel and altercation between two parties, regarding which, false FIR has been lodged against the applicants. Similarly placed two accused persons namely Bholesh Kumar & Vikas Sahu, have been granted bail by this Court in MCRC No. 6578 of 2020 vide order dated 12.10.2020. Hence, it is prayed that both the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that looking to the material present in this case against the applicants, they are not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the complainant-Dipika Sahu made allegations against these applicants that they have insulted, abused and outraged her modesty by use of physical force.
6. Considered on the submissions and the facts present in this case. As the co-accused persons have been granted bail by this Court and this case also appears to be of similarly placed, therefore, I am of this view that it would be proper to release both the applicants on bail, hence, I feel inclined to grant bail to the applicants in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- each with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun