

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7536 of 2020

1. Hemant Yadav alias Kishan Yadav, S/o Rustam Yadav, Aged About 19 Years.
2. Sunil Kandra, S/o Bharat Kandra, Aged About 21 Years.
Both R/o Atal Awas Pendri, P. S. Lalbagh, District- Rajnandgaon (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through the Police Station Lalbagh, District- Rajnandgaon (C.G.)

--- Respondent

For Applicants	:	Mr. Shaleen Singh Baghel, Advocate.
For State/ Respondent	:	Mr. Adil Minhaj, 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. 302/2020, registered at Police Station- Lalbagh, District- Rajnandgaon (C.G.) for the offence punishable under Section 294, 323, 506, 354, 354 (क), 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 29.08.2020 and have been falsely implicated in this case. Totally false FIR has been lodged against the applicants because of previous enmity between the parties. The charge-sheet has been filed after completion of investigation and the applicants are in jail since about four months, 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. The complainant/ prosecutrix is present before this Court virtually through the help desk of District Legal Services Authority, Rajnandgaon and she has made statement that she has no objection in grant of bail to this applicant
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that on 22.07.2020, the prosecutrix had been gone to a shop in the colony, where, the applicants finding her alone, used physical force on her person and outraged her modesty, regarding which, FIR has been registered on 23.07.2020.
7. Considered on the submissions and the facts present in this case. As the case at present is pending for trial before the court below and there appears no reason for continued detention of the applicant. For these reasons, 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.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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