

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7985 of 2020**

1. Aakash Kumar Sarthi @ Karan, S/o. Nohar Lal Sarthi, aged about 18 years,
 2. Mangal @ Manglu Taram, S/o. Dinesh Taram, aged about 20 years
- Both are R/o. Ward No. 21, Railway Dafai, Dallirajahra, PS Rajahra, District Balod (Chhattisgarh).

---- Applicants**Versus**

State of Chhattisgarh, Through : Police Station Rajahra, District Balod (Chhattisgarh).

---- Respondent

For Applicants : Mr. Priyank Rathi, Advocate

For Respondent/State : Mr. B.P. Banjare, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/12/2020**

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.428/2020, registered at Police Station –Rajahra, District – Balod (C.G.) for the offence punishable under Section 341, 354, 354 (A) (i) (ii), 354 (B), 34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case because of enmity by the complainant side. The applicants have not committed any offence. They are in jail since 22.09.2020. Therefore, it is prayed that the applicants may be released on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence present in the charge-sheet filed against the applicants, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that on the date and time of incident, both the applicants used physical force on minor victims by pulling them and also by making indecent proposal to them. It is also alleged that the applicants also tried to tear the clothes of the victims regarding which FIR has been lodged.
6. Considered on the submissions and the facts of the case. Investigation in this case has been completed and the case is now pending for trial and there appears to be no reason to keep the applicants in continuous detention, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- 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

Balram