

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7718 of 2021**

1. Ajambar Sahu S/o Chetan Sahu Aged About 50 Years R/o Shankarpur, Police Station Sankra, Tahsil Pithora, District Mahasamund Chhattisgarh
2. Papun Saham S/o Ajambar Sahu Aged About 27 Years R/o Shankarpur, Police Station Sankra, Tahsil Pithora, District Mahasamund Chhattisgarh
3. Babun Saham S/o Ajambar Sahu Aged About 25 Years R/o Shankarpur, Police Station Sankra, Tahsil Pithora, District Mahasamund Chhattisgarh

---- Applicants***Versus***

- State Of Chhattisgarh Through Station House Officer, Police Station Sankra, District Mahasamund Chhattisgarh

---- Respondent

 For Applicant : Shri Raghavendra Pradhan, Advocate
 For respondent/State : Smt. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****22.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 20.9.2021 in connection with Crime No.171/2021 registered at Police Station Sankra, Distt. Mahasamund (C.G.), for the offence punishable under Sections 456, 354, 323, 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that in the night of 14.9.2021, the applicants entered into the house of complainant Suvalia Manjhi, abused her, tore her clothes with intention to outrage her

modesty, damaged the TV and and thereafter fled away from the spot after breaking the door of the house. On the basis of the above facts, present crime was registered against the applicants under Section 456, 354, 323, 34 IPC.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case only on the ground of earlier dispute, because on 01.9.2021, husband of complainant Suvalia Manjhi and his family members trespassed in the house of applicant No.1, abused them in filthy language and also committed marpeet with them. Thereafter, wife of applicant No.1 lodged FIR (Crime No.161/2021) against the complainant of present case and her family members. Therefore, only to get the benefit of counter case, the complainant has lodged present case against the applicants. He would next submit that the applicants are in jail since 20.9.2021, charge sheet has been filed, the applicants are the permanent resident of Distt. Mahasamund, therefore, there is no chance of absconding of the applicants, hence, the they may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that looking to the nature and gravity of offence, the applicants are not entitled for grant of bail.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, and also taking into consideration that earlier wife of present applicant No.1 has lodged report against the complainant and her family members, and also considering that charge sheet has been filed, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE