

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9371 of 2020**

1. Devraj Verma S/o Ashok Verma Aged About 22 Years R/o Village Saloni, Outpost Jalbandha, P.S. Khairagarh, Tehsil Khairagarh District Rajnandgaon Chhattisgarh.
2. Yogendra @ Jogi Verma S/o Kailash Verma Aged About 21 Years R/o Village Saloni, Outpost Jalbandha, P.S. Khairagarh, Tehsil Khairagarh District Rajnandgaon Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh through The District Magistrate Rajnandgaon District Rajnandgaon Chhattisgarh. **---- Non-applicant**

For Applicants : Mr. Rakesh Pandey, Advocate.

For State : Mr. D.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02-02-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 15-11-2020 in connection with Crime No. 444 of 2020 registered at Police Station Outpost Jalbandha, Khairagarh, District Rajnandgaon (CG) for the offence punishable under Sections 294, 323, 506, 354, 456, 34 of IPC.
2. The case of the prosecution, in brief, is that the prosecutrix lodged a report in Police Station stating therein that on 15-11-2020 at about 7.30 pm when she was lighting crackers, at the same time, present applicants abused her father and forcibly

entered into her house and tried to outrage her modesty, thereby they committed the aforesaid offence.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that there was only marpeet between both the parties. The mother of the applicants namely Smt. Kavit Verma was also assaulted and abused by the father of the complainant and in this regard FIR was also lodged on 16-11-2020 against the complainant's father vide Anenxure A/2. He would further submit that the offence is triable by the Magistrate and except the present case, no other case is pending against the present applicants. He further submits that the present appellant are aged about 21 and 22 years, charge-sheet has been filed, they are in jail since 15-11-2020, conclusion of the trial is likely to take some time for its final disposal, therefore they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the age of the present applicants who are aged about 21 and 22 years respectively, charge-sheet has been filed, the offence is triable by the Magistrate, the applicants have no other criminal antecedents as admitted by both the parties and that conclusion

of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.

7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. They shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted bail on the following conditions:

- i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. They shall not involve themselves in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju