

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9150 of 2020**

Dinesh Sagar, S/o. Setkumar Sagar, aged about 25 years, Caste - Ghasiya, R/o. Village Sirko, Police Station - Basna, Tahsil Pithora, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Basna, District Mahasamund Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 9160 of 2020**

Abhishek Masih, S/o. Mogle Masih, aged about 23 years, R/o. Village Sirko, Police Station - Basna, Tahsil Pithora, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Mr. Kishore Narayan, Advocate
For Respondent/State	: Mr. Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/03/2021**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
- These are the first bail applications 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.560/2020, registered at Police Station – Basna, District – Mahasamund (C.G.) for the offence punishable under Section 354, 34 of the Indian Penal

Code and Section 10 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case because of the enmity with the complainant side. They are in jail since 30.11.2020. Charge-sheet in this case has been filed. Therefore, it is prayed that the applicants may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the victim was only 13 years and 6 months on the date of incident and there is clear evidence against these applicants regarding commission of offence by them. Hence, the applications be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that on the date of incident, these applicants caught hold of the minor prosecutrix took her to a lonely place in Jungle, where they outraged her modesty and also attempted to disrobe her, when the victim raised alarm, the applicants ran away from the spot.
7. Considered on the submissions and the facts and circumstances of the case. As the investigation in this case is now completed and the case is now pending for trial and no purpose would be served, if the, applicants are kept in continuous detention, till the conclusion of trial, 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.

8. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. 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