

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3701 OF 2015**

Irshad Khan @ Ishu S/o Mustak Khan, aged about 28 years, R/o Khutanpara Baikunthpur, Police Station Baikunthpur, Civil and Revenue District Korea, District Korea (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through : Station House Officer, Police of Police Station Baikunthpur, District Korea (C.G.)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/08/2015**

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 applicant who has been arrested in connection with Crime No. 151/2015, registered at Police Station Baikunthpur, District Korea (C.G.), for the offence punishable under Sections 294, 341, 354 of Indian Penal Code and Section 3(1-11) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that present applicant is alleged to have outraged the modesty of complainant, who is member of Scheduled Tribe and abused her with filthy language and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the offence in question. He would further submit that no useful purpose would be served by

keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 15/06/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question; pretrial detention of the applicant and charge sheet has been filed, this Court is of the opinion that present is the fit case, in which, the applicant 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 applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE