

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3946 of 2015**

Thaneshwar Sahu, S/o Shri Pannalal Sahu, aged about 27 years, R/o Village Chipli, Post Office, Police Station & Tahsil Nagri, District-Dhamtari (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Nagri, District Dhamtari (C.G.)

---- Non-applicant

For Applicant : Shri Shivendu Pandya, Advocate
 For Non-applicant : Shri Om Prakash Sahu Government Advocate for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/08/2015****(1)** Heard.

(2) 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 on 16.06.2015 in connection with Crime No.39/2015, registered at Police Station Nagri, District Dhamtari, for the offence punishable under Sections 354 & 456 of the Indian Penal Code and Section 3(1)(II) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(3) Case of the prosecution, in brief, is that the applicant unauthorizedly entered in the house of complainant and outraged her

modesty knowing well that she is a member of Scheduled Tribe and, thereby, committed the aforesaid offence.

(4) Learned counsel appearing for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 16.06.2015; and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(5) On the other hand, learned counsel for the State opposes the bail application.

(6) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(7) Taking into consideration the facts and circumstances of the case and the role of the present applicant and the facts that the present applicant is in jail since 16.06.2015, this Court is of the view that it a fit case to release the applicant on bail. Accordingly, the application is allowed.

(8) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

(9) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-