

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4469 of 2015**

Nitesh Kumar Shrivastava, S/o Ganga Prasad Shrivastava, aged about 20 years, R/o Kanjiya, PS Kusmi, Dist.Balrampur-Ramanujganj (CG)

---Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station-Kusmi, District Balrampur Ramanujganj (CG)

---Non-applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate
For Non-applicant	:	Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/08/2015**

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.73/2015, registered at Police Station-Kusmi, District-Balrampur Ramanujganj (C.G.), for the offence punishable under Sections 354 (1) (1) of the IPC and Sections 7 & 8 of the Pasco Act.
2. Case of the prosecution, in brief, is that on 11.8.2015 at about 5 pm the applicant has outraged the modesty of the victim and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is jail since 12.8.2015 and charge-sheet is yet to be filed and therefore, the applicant may be enlarged 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; his pre-trial detention and charge-sheet is yet to be 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

B/-