

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6246 of 2015

Dhanu, S/o. Bhikho, Aged About 60 Years, R/o. Village: Beldih, Police Station Tendukona : Tahsil Pithora, District Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station : Tendukona, District : Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.K.Dadsena, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.138/2015 registered at Police Station- Tendukona, District Mahasamund (C.G.) for the offence punishable under Sections 354, 354(A)(M) 506 of Indian Penal Code.
2. As per the prosecution case, in brief, on 25.09.2015, the applicant who is working as Baiga in order to treat the prosecutrix tried to outrage her modesty and thereby the offence was committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as for the same incident another report within half an hour is made which would go to show that the applicant has been falsely implicated. He further submits that the applicant is in jail since 25.09.2015; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed and considering the detention of the applicant as he is in jail since 25.09.2015 and the offence is triable by the JMFC, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge