

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6350 of 2015

1. Khilawan Sahu, S/o. Shri Suddhu Ram Sahu, aged about 46 years, R/o. Vivekanand Ward No.7, Jangal Para, Nagari, Police station – Nagar, Tahsil : Nagari, District Dhamtari (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station : Nagari, District – Dhamtari (C.G.)

---- Respondent

For Applicant	: Mr. Shrawan Agrawal, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

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.87/2015, registered at Police Station – Nagari, District – Dhamtari (C.G.) for the offence punishable under Section 456, 354, 323 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 26.10.2015, the applicant entered into the house of the prosecutrix and thereafter caught hold of the prosecutrix and tried to outrage her modesty and alarm being raised, other family members came there at that time, the applicant assaulted and run away.
3. Learned counsel for the applicant would submit that the incident occurred because of some dispute over the rent and no offence to outrage the modesty of the prosecutrix was committed. He would further submit that the applicant is in jail since 27.10.2015 and

therefore, prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement of the prosecutrix. Having regard to the statement and degree of allegation, considering the pre-trial detention of the applicant, this Court is of the opinion that present is a 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 his 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/-
(Goutam Bhaduri)
Judge