

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6506 of 2015

Shivshankar Goyan @ Badka Guddu S/o Late Somarsai Goyan Aged
About 50 Years Caste Panika, R/o Village Saara, Thana & Teh.
Baikunthpur, Distt. Korla, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Officer-In-Charge, P.S. Baikunthpur,
Rev. & Civ. Distt. Korla, Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Mahendra Dubey, Advocate
For Respondent/ State	:-	Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

01/12/2015

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. 197/2015 registered at Police Station- Baikunthpur, District –Korla (C.G.) for the offence punishable under Section 354,454,354(A) of IPC.
2. As per prosecution case in brief is that on 21.08.2015, the applicant entered into the house of the prosecutrix and asked her to sleep with him and on refusal of the prosecutrix he tried force on her and attempted to drag her into a room. The prosecutrix somehow escaped from the hold of the applicant and ran away towards the field. Subsequently, on the report of the prosecutrix a case was registered and during the course of investigation police has arrested the applicant.
3. Counsel for the applicant submits that the applicant has wrongly been inculpated in this case. He further submits that the applicant

has not committed any sexual overt act with the prosecutrix and the charge-sheet in this case has been filed and the applicant is in jail since 23.09.2015 and therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the allegation levelled against the applicant and the degree of the offence and the manner in which the offence was committed and taking into account the fact that the charge-sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge