

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7020 of 2015

Nilesh Kumar Gupta S/o. Virendra Prasad Gupta, aged about 20 years, Caste- Halwai, R/o. Village Mains Colony Vishrampur, P.S. Vishrampur District Surajpur (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through Police Station Vishrampur, District Surajpur (Chhattisgarh).

---- Respondent

For Applicant	:-	Ms. Kiran Jain, Advocate
For Respondent/ State	:-	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

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. 120/2015 registered at Police Station- Vishrampur, District – Surajpur (C.G.) for the offence punishable under Section 457,354,354(A) (I) of IPC and section 7& 8 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution story in short is that on 15.07.2015 at about 11.00 PM, the applicant asked the victim to open the door thereafter he went inside the room and took her to room and asked her to lay down in the cot and the applicant tried to outrage the modesty of the victim. Subsequently, the parents of the victim gotup and the applicant fled way from the scene. Thereafter, the matter was reported to police and the offence was registered against the present applicant and he was arrested on 19.07.2015.

3. Counsel for the applicant submits that the charge-sheet has been filed and according to the statement of the victim, the applicant went inside the room after the door was opened and thereafter the applicant knocked the door of the parents of the victim, therefore, it would go to show that no intention for committing of offence was exits and he has been falsely implicated in this case for the reason that the dispute over the land was existed between the party; therefore, he may be enlarged on bail
4. State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the statement of the victim wherein she stated that initially she was asked to lay down in the cot and thereafter he knocked the door of the parents of the victim and thereafter he fled away from the scene. Considering the degree of offence and the nature of allegation leveled against the applicant and the fact that the applicant is in jail since 19.07.2015, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular 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.

Sd/-
(Goutam Bhaduri)
Judge