

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7044 of 2015

Mohammad Shahrukh @ Shanu, S/o. Makbool Ansari, Aged About 20 Years, R/o. Village Khodri, P.S. Gourela, Civil & Rev. Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Gourela, Distt. Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Ashok Soni, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

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.376/2015, registered at Police Station– Gourela, District Bilaspur (C.G.) for the offence punishable under Section 354 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act and Section 3(1)(11) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 15.11.2015 the victim had gone to answer the call of nature and while she was returning back, she was caught hold of by this applicant and thereby knowing her to be a member of Scheduled Tribe tried to outrage her modesty. Therefore, the offence has been committed.
3. Learned counsel for the applicant submits that the applicant and the victim were friend and since the brother of the complainant saw them talking, therefore, a false report has been made. He further

submits that the applicant has been falsely implicated in this case, 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. Perused the statement of the victim under Section 161 & 164 wherein she has stated that the applicant caught hold of her by her waist; therefore, taking into the allegation leveled against the applicant and the fact that the applicant is in jail since 15.11.2015, I am inclined to release the applicant on 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