

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6231 of 2015

- Nilo Mandal S/o Hajra Mandal Aged About 21 Years R/o P. V. No. 58, Pakhanjore, Thana And Tahsil Pakhanjore, District - U. B. Kanker (Chhattisgarh).

---- Applicant

Versus

- The State Of Chhattisgarh Through : Police Station Pakhanjore, District - U. B. Kanker (Chhattisgarh).

---- Respondent

For Applicant	:-	Shri Parag Kotecha, Advocate
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

24/112015

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. 76/2015, registered at Police Station – Pakhanjore, District Uttar Bastar (C.G.) for the offence punishable under Sections 363,342,354,506, of IPC and section 7 and 8 of the Protection of Children from Sexual Offences Act.
2. As per prosecution case on 20.08.2015, the victim went to see the Kirtan with her friends at that time the applicant came there and caught hold her hands and forcefully took his maternal uncle's house and tried to outrage her modesty. On being an alarm raised, she was threatened to kill. Subsequently the friends of the victim reached to the spot and open the door and thereafter the matter was reported to Police Station Pankhanjor.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 23.08.2015. He further submits that the victim and the applicant have entered into compromise between each other and have decided to settle their dispute and in view of the compromise the complainant does not want the applicant to be prosecuted or punished any further. He further submits that looking to the age of the applicant he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the fact the degree of offence and the nature of allegation leveled against the applicant, the statement recorded by the prosecution and the fact that the charge sheet in this case has already been filed and the applicant is in jail since 23.08.2015. Considering the fact for the purpose of bail without any observation on merit, 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge