

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7142 of 2015

Vijay Jaiswal, S/o Anathram Jaiswal, Aged About 30 Years, R/o Village -
Nawagaon, Police Station - Kota, Civil And Revenue District - Bilaspur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station -
Kota, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

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.359/2015, registered at Police Station– Kota, District Bilaspur (C.G.) for the offence punishable under Section 354, 294, 506 Part-II of IPC.
2. As per the prosecution case, in brief, on 22.10.2015 the victim while was returning to her home at about 11 O'clock night after watching procession, the applicant caught hold of her hand and asked her to develop physical relation and thereby tried to outrage her modesty.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, as there was some dispute and the applicant has never done any act to outrage the modesty of the victim. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 07.11.2015; 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. Having regard to the facts and circumstances of the case and the degree of allegation and considering the fact that the charge sheet has been filed and the applicant is in jail since 07.11.2015 and the offence is triable by JMFC, 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