

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2830 OF 2015**

Shiv Kumar Porte S/o Shri Ramji Porte, aged about 25 years, caste Gond,
R/o Village Motimpur, Police Station Takhatpur, Tahsil Pathariya, Civil &
Revenue Distt. Bilaspur (C.G.)

---Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station
Takhatpur, Distt. Bilaspur (C.G.).

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For-Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/06/2015**

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. 41/2015, registered at Police Station Takhatpur, Distt. Bilaspur (C.G.), for the offence punishable under Sections 456, 354, 506 of I.P.C. and Section 7, 8, 12 of the Protection of the Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that on 07/02/2015 applicant entered into the house of complainant and forcibly outraged her modesty and threatened her to kill.

3. Learned counsel for the applicant would submit that applicant is *Panch* of the village and the mother of complainant is *Sarpanch* of the village and as such, on account of *Panchayat* dispute, he has been falsely implicated in the offence in question. He would further submit there is delay of one day

in lodging the FIR. He would lastly submit that applicant is in jail since 30/05/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; nature of dispute pending between parties and pretrial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular 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 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/-

(Sanjay K. Agrawal)

JUDGE