

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4148 OF 2015**

Prakash Chouhan, S/o Anand Ram Chouhan, age 25 years, Occupation Chowkidar, R/o Nawapara, P.S. Kotwali, Tah. -Raigarh, Distt. Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, City Kotwali, Chowki Jute mill, Raigarh Distt.-Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Amit Kumar Sharma, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

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. 535/2015, registered at Chowki Jute Mill, P.S. City Kotwali, Raigarh, Distt. Raigarh, for the offence punishable under Sections 354(B), 451 of I.P.C.

2. Case of the prosecution, in brief, is that on 17/07/2015, applicant entered into the house of complainant and used criminal force upon her with intent to disrobe and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that substantive investigation has already been completed and no useful purpose would be served by keeping him in jail. He would lastly submit that applicant is in jail since 21/07/2015, therefore,

he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that torn clothes have already been seized, which implicate the present applicant in offence in question.

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; role of the present applicant in offence in question 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