

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6374 of 2015

1. Vijay Kumar Sinha, aged about 42 years, son of Nathu Ram, Caste-Satnami, R/o. Jorwapara Adbhar, Choki-Adhbhar, Police Station – and Tahsil – Malkharoda, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Malkharoda, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant	: Mr. Kamal Kumar Pandey, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/11/2015

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.231/2015, registered at Police Station – Malkharoda, District – Janjgir-Champa (C.G.) for the offence punishable under Section 354-B, 354, 456, 506, 323 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 16.09.2015, the applicant entered into the house of the prosecutrix and thereafter tried to outrage the modesty of the prosecutrix and thereby, the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge sheet has been filed in this case and the applicant is in jail since 18.09.2015. Taking into the allegation leveled against the applicant there is no chance of tampering of evidence. Therefore, he

would pray that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the way the offence has been committed and the further taking into the fact that the offences are triable by JMFC, applicant is in jail since 18.09.2015, this Court is of the opinion that present is a 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 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