

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6316 of 2015

Mukesh Sidar S/o. Kunwar Sai Sidar, aged 19 years, Caste Gond,
R/o. Village Bhaludhodha, Kerakachar, Thana- Pathalgaon, Civil and
Revenue District Jashpur District Jashpur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Pathalgaon District
Jashpur (C.G.)

---- Respondent

For Applicant	:-	Shri Sanjay Agrawal, Advocate
For Respondent/ State	:-	Shri Ashish Shukla, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

24/11/2015

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. 193/2015 registered at Police Station- Pathalgaon, District Jashpur (C.G.) for the offence punishable under Sections 186,189,294,506,323,353,354(A), (i,ii,ii,iv) 454/34 of IPC and 36(f) of Excise Act and section 8 & 12 of Protection of Children from Sexual Offence Act, 2012.
2. That the prosecution story in brief is that the applicant and the other co-accused entered forcefully in the class room of Government High School, Sureshpur. Thereafter the applicant proposed the girl and tried to outrage her modesty.
3. Counsel for the applicant submits that the main allegation is against the co-accused Vishwajeet and Sonu Das that they entered in the class room forcefully and the allegation against the present applicant is that he only standing out side of the class room. He further

submits that neither the name of the applicant is being stated in the statement recorded under section 161 and 164 of Cr.P.C nor in the FIR and therefore, considering the role played by the applicant, he may be enlarged on bail.

4. However, on the other hand state counsel opposes the prayer for grant of bail.
5. Having regard to the fact that the evidence available against the applicant and the role played. Considering the fact that the name of the applicant has not been stated in the statement recorded u/s 161 and 164 of Cr.P.C., this Court is of the opinion that it 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