

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4985 of 2015**

Nilesh Kumar Rai @ Chinu, son of Shri Indrabhushan Rai, aged about 25 years, resident of Sankra (Bangla), Police Station Balod, District Balod (C.G.).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Balod, District Balod (C.G.)
---- Non-applicant

For Applicant	:	Shri Purnendra Khichariya, Advocate
For Non-applicant	:	Shri Suvigya Awasthi, Panel Lawyer for the State.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**28/09/2015****(1)** Heard.

(2) 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.332/2015, registered at Police Station Balod, District Balod, for the offence punishable under Sections 354, 354-A of the Indian Penal Code and Sections 7 & 8 of the Protection of Children from Sexual offences Act, 2012.

(3) Case of the prosecution, in brief, is that on 26.07.2015, the present applicant outraged the modesty of the prosecutrix and also sexually harassed her and thereby, committed the aforesaid offences.

(4) Learned counsel appearing for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 26.07.2015, charge-sheet has already been filed and no useful purpose will be served by keeping him in jail, therefore, the applicant may be released on bail.

(5) On the other hand, learned counsel appearing for the State opposes the bail application.

(6) I have heard learned counsel appearing for the parties and perused the case diary.

(7) Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the pre-trial detention of the applicant and charge-sheet has been filed; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(8) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(9) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-