

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5127 OF 2015**

Latif Khan, S/o Nohar Khan, aged 21 years, R/o Tikrapara, Post Office & Police Station Devbhog, District Gariyaband (C.G.)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Devbhog, District Gariyaband (C.G.)

---Non-applicant

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/09/2015**

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. 72/2015, registered at Police Station Devbhog, District Gariyaband (C.G.), for the offence punishable under Sections 354 (A), 294 & 323 of IPC & 11 (1) (4) of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 31/08/2015 applicant sexually assaulted minor girl/complainant and also caused simple hurt to father and uncle of the complainant.

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 no custodial interrogation is required and no useful purpose would be served by keeping applicant in jail. He would

lastly submit that applicant is in jail since 01/09/2015 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; role of the present applicant in offence in question; substantial investigation has already been completed and applicant is in jail since 01/09/2015, 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE