

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5150 of 2015**

Yusuf Husain (Minor), S/o Shri Sadik Husain, aged about 17 years, R/o Babu Para, Chandani Chowk, Raigarh, on his behalf father Shri Sadik Husain (wrongly mentioned as Mohammad Sadik), S/o Shri Fida Husain, R/o. Babupara, Chandani Chowk Raigarh, Civil & Revenue District-Raigarh (CG)

---Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Vivek Kumar Agrawal, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

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.277/2015, registered at Police Station-City Kotwali, Raigarh, District-Raigarh (C.G.), for the offence punishable under Sections 354 and 354A & 327/34 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the applicant outraged the modesty of the victim and sexually harassed her and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that there is delay of more than one month in lodging the FIR as the incident has occurred on 23.5.2015, whereas FIR has been lodged on 4.4.2015 without any explanation. He would further submit that co-accused Mohammad Naved has been admitted

to bail by this Court vide order dated 4.8.2015 passed in M.Cr.C.No.3703 of 2015 and case of the present applicant is similar to that of co-accused and therefore, he may also be enlarged 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 considering the extent of delay in lodging the FIR and the fact that bail was granted to co-accused Mohammad Naved, 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/-

(Sanjay K. Agrawal)
JUDGE

B/-