

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5170 of 2015**

Durgesh Panika s/o Bhikham Panika, aged about 23 years, R/o Narauli, Thana
– Kunda, Distt.-kabeerdham (CG)

---Applicant**Versus**

State of Chhattisgarh, Through: Thana-Kunda, Distt.– Kabeerdham (CG)

---Non-applicant

For Applicant	:	Mr. Satyam S.S. Shukla, Advocate
For Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer

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.102/2015, registered at Police Station-Kunda, District Kabeerdham (C.G.), for the offence punishable under Sections 456, 354, 506/34 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 12.7.2015 at about 11 pm the applicant entered into the house of the minor complainant, assaulted her and also outraged her modesty and thereby committed the aforesaid offences.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is in jail since 14.7.2015 and charge-sheet has already been filed, therefore, he may be released on regular 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; his pre-trial detention and the fact that charge-sheet has already been filed, 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/-