

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5828 of 2015

Naihar Sai @ Naeekar Sai, S/o. Late Bechan Ram, Aged About 50 Years,
R/o. Village Gagoli, Khalpara, Police Station Lundra, Distt. Surguja,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Incharge, P.S. Lundra,
Distt. Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Bhupendra Singh, Advocate

For Respondent : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

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.95/2015 registered at Police Station- Lundra, District Surguja (C.G.) for the offence punishable under Sections 452, 294, 354, 323 of Indian Penal Code & Section 4, 8 of Protection of Children from Sexual Offences.
2. Case of the prosecution is that on 09.08.2015 the applicant had assaulted the complainant with stone by entering her house and tried to outrage her modesty by holding her hand and dragged her outside the house. On being resisted and making noise, the applicant fled away from the scene. Thereafter, the report was made and the applicant was arrested on 12.08.2015.
3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and the applicant is in jail since

12.08.2015. He further submits that there is some dispute in between the family members of the applicant and the prosecutrix, therefore, the false report has been made.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts; taking into account the gravity of offence and the fact that the charge sheet has been filed and the applicant is in jail since 12.08.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge