

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5703 of 2015

Rakesh Kumar, S/o. Shri Chamar Rai Yadav, Aged about 28 years, R/o. Village Chhindpara Pali, Police Station Pali, District Korba (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Pali, District Korba (C.G.).

---- Respondent

For Applicant : Mr. Vijay Kumar Sahu, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

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.116/2015 registered at Police Station- Pali, District Korba (C.G.) for the offence punishable under Section 354 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that on 01.09.2015 when the victim went for her exam, at that time, the applicant has tried to tease her in presence of her friends and subsequently on 23.09.2015 when she was standing outside her house, the applicant caught hold of her hand and tried to drag her. On having raised voice by the victim, her mother & father rescued her and thereafter on the report, the case was registered.
3. Learned counsel for the applicant submits that the applicant is in jail since 28.09.2015 and the charge sheet has already been filed. He further submits that the applicant has been falsely implicated in

this case as no intention to outrage the modesty of the girl was made by him; therefore, he may be released on bail.

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 and gravity of offence and taking into fact that the charge sheet has been filed and the applicant is in jail since 28.09.2015, 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