

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 300 of 2016

Sumit Soni, S/o. Late Shri Shyam Soni, Aged About 28 Years, R/o. Village
Bramh Road, Ambikapur, P.S. & Tahsil Ambikapur, Distt. Surguja,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S.
Ambikapur, Distt. Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.01.2016

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.647/2015, registered at Police Station– Ambikapur, District Surguja (C.G.) for the offence punishable under Section 354, 294 & 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 12.11.2015 when the victim was coming along with her sister-in-law by the Scooty to their house, at that time, the applicant on the way caught hold of her hand and tried to drag her and when it was resisted she was abused.
3. Learned counsel for the applicant submits that different stories have been narrated by the prosecutrix in the statement recorded under Section 161 & 164 and there is contradiction in the

statement. He further submits that the charge sheet has been filed in this case and no further evidence is required and the applicant is in jail since 05.01.2016, therefore, he may be enlarged 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 circumstances of the case and considering the nature of allegation and the degree of offence and the fact that the charge sheet has been filed and the applicant is in jail since 05.01.2016, I am inclined to release the applicant on 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/-
(Goutam Bhaduri)
Judge