

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.673 of 2016**

Rumendra Kumar Nirmalkar S/o. Dewanand Nirmalkar, aged about 26 years, R/o Village – Tendukona, Thana-Tendukona, Tahsil-Bagbahra, Civil & Revenue Distt.-Mahasamund (CG)

---Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Police Station-Tendukona, Civil & Revenue Distt.-Mahasamund (CG)

---Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/02/2016

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.4/2016, registered at Police Station-Tendukona, District-Mahasamund (CG), for the offence punishable under Section 354 of the IPC.

2. Case of the prosecution, in brief, is that on 25.12.2015 the applicant outraged the modesty of the major complainant and thereby committed the aforesaid offence.

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 F.I.R. was delayed by ten days, the complainant was major and case of the

prosecution is doubtful. He would also submit that the applicant is in custody since 14.1.2016 and no further interrogation is required to be taken and 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; pre-trial detention of the applicant; extent of delay in lodging the F.I.R. and role of the present applicant, 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 the 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/-