

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 721 OF 2016**

Simpa @ Mayank Tiwari S/o Sohan Tiwari aged about 33 years R/o Gandhi Mandir Ward Bhatapara Thana/Tahsil Bhatapara District Baloda Bazar-Bhatapara (Chhattisgarh)

---Applicant**Versus**

State of Chhattisgarh, Through: Police Thana Bhatapara City District Baloda Bazar-Bhatapara (Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. Samir Singh, Advocate
For Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/02/2016**

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. 258/2015, registered at Police Station Bhatapara City District Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Sections 451, 354(A)(ii) & 506 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that, on 11/10/2015 applicant outraged the modesty of major complainant and also sexually assaulted her and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that no custodial interrogation is required and no useful purpose would be served by keeping him in jail. He would further submit that all offences are bailable. He would lastly submit that charge sheet has been filed and applicant is in jail since 13/10/2015, therefore, he may be released on 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 applicant; charge sheet has already been filed and pretrial detention of the applicant, this Court is of the opinion that present is the 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 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