

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1042 OF 2016**

Preetish Vishwas aged about 23 years S/o Pankaj Vishwas
(wrongly mention Nirmal) R/o village P.V.62 Thana Chote
Bethiya Tahsil Pakhanjore District U.B. Kanker C.G.

---Applicant**Versus**

The State of Chhattisgarh, Through Police Station Chote
Bethiya District U.B. Kanker C.G.

---Non-applicant

For Applicant	:	Mr. Parag Kotecha, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/03/2016**

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. 1/2016, registered at Police Station Chote Bethiya, District U.B. Kanker (C.G.), for the offence punishable under Section 354, 354A, 456, 506B/34, 342 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, on

intervening night of 08-09/11/2015 applicant along with two other co-accused persons entered into the house of complainant; outraged her modesty and sexually assaulted her.

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 charge sheet has been filed and applicant is in jail since 14/11/2015 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 applicant is in jail since 14/11/2015, 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