

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1276 of 2016**

Ashok Kumar Sahu S/o. Indrasen Sahu, aged about 23 years, R/o. Village Bhatheli, P.S. Bhakhara, Revenue and Civil District Dhamtari (CG)

---Applicant

Versus

State of Chhattisgarh, Through Officer-in-Charge, Police Station Bhakhara, Revenue and Civil District Dhamtari (CG)

---Non-applicant

For Applicant	:	Mr. Shishir Dixit, Advocate
For Non-applicant	:	Mr. Ajit Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/03/2016

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.39/2016, registered at Police Station-Bhakhara, District-Dhamtari (CG), for the offence punishable under Sections 354 and 354A of the IPC.

2. Case of the prosecution, in brief, is that on 1.1.2016 the present applicant outraged the modesty of the complainant and sexually assaulted her.

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 there is delay of one month in lodging the F.I.R. and there is serious contradiction in the statement of the complainant. The applicant is in jail since

8.2.2016, charge-sheet is yet to be filed and investigation has almost completed, 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 & circumstances of the case, nature & gravity of the offence, role of the present applicant and his pre-trial detention, 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-