

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2395 of 2016**

Gopi Das Mahant @ Sukhlal Mahant S/o Late Lakhan Das Mahant Aged About 27 Years R/o Subhash Block, S. E. C. L. Korba, Tahsil & District Korba Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer Police Station Kotwali Korba District Korba Chhattisgarh

---- Respondent

For Applicant: Mr. Suresh Kumar Verma, Advocate
 For Respondent/State: Mr. D.K. Wankhede, Government Advocate

Hon'ble Shri Manindra Mohan Shrivastava**Order on Board****30.05.2016**

Heard.

2. This is first bail application. The applicant has moved this application under Section 439 of Cr.P.C. for grant of regular bail in connection with Crime No.451/2015 registered at Police Station – Kotwali Korba, Distt. Korba, for offences punishable under Sections 354, 354 (A)(D) and 506 of I.P.C.

3. The Applicant has been arrested on 16.02.2016. The offence alleged against the applicant is that he caught hold of wrist of the Prosecutrix with an intention to outrage her modesty, thereby insisting her to have relationship with him and it is also alleged that the Applicant doubted the chastity of the Prosecutrix.

4. Learned Counsel for the Applicant submits that statement of the Prosecutrix does not prima facie make out a case that the Applicant caught hold of her wrist in order to outrage her modesty, but even according to her the Applicant was agitated because he thought that the Prosecutrix with whom he was in love, was maintaining relationship with some other person. It is submitted that the accused-Applicant caught hold of wrist of the Prosecutrix however there is no any bodily injury or any other overt act of sexual assault has been alleged. The Applicant is in jail since 16.02.2016. The investigation is complete, charge-sheet has also been filed.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that the Applicant obstructed the movement of the Prosecutrix, caught hold of her wrist and the allegation against him prima facie the case is made out and in case the Applicant is granted bail he is likely misuse.

6. Considering the totality of the circumstance and nature of the offence, the extent of overt act alleged against the Applicant, and the back ground of the incident that the Applicant is in jail since 16.02.2016, investigation is complete and also charge-sheet has been filed, the present bail application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.15,000/- with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

8. However, if there is any allegation that the Applicant is misusing

liberty of the bail or approaching the Prosecutrix in any manner, the bail granted to him would liable to be cancelled.

Sd/-
(Manindra Mohan Shrivatava)
VACATION JUDGE