

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3890 of 2016

- Manish Rathod S/O Late Mohan Singh Rathod Aged About 29 Years R/O Banglapara, P.S. & Tahsil Narayanpur, District Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Narayanpur, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sushil Dubey, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-08-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 12-06-2016 in connection with Crime No. 49 of 2016, registered at Police Station Narayanpur, District Kondagaon (CG) for the offence punishable under Sections 294, 323, 506, 354 read with Section 3 of (1) (11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per prosecution case, on 19-5-2016 applicant came to the office of the victim, thereafter called her through mobile phone and while she was going along with the applicant on his motor-cycle, the applicant stopped his motor-cycle in the mid-way and thereafter he outraged her modesty, abused and assaulted and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, in fact the victim wanted to marry the applicant and because of such dispute

allegations have been made against the applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 12-06-2016 and no further evidence is required, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the victim.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant, back ground of the case and considering the statement of the victim and also the fact that the charge-sheet has been filed, the applicant is in jail since 12-06-2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju