

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4505 of 2016

- Dhaal Singh Sahu S/O Shivilal Sahu Aged About 21 Years R/O - Gadamor, Chowki Kandarka, Police Station Berla, District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : The Police Station Berla, District Bemetara Chhattisgarh

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate.

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-08-2016

1. This is 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 6-6-2016 in connection with Crime Nos. 126 of 2016, registered at Police Station Berla, District Bemetara (CG) for the offence punishable under Sections 354, 354-A (1), 354 (C) of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 2-6-2016 at about 7.00 pm while the victim girl was going to answer the call of nature, at that time, the applicant came there and caught hold of her hands and offered physical relation which was refused by her and thereafter she gave teeth bite to the applicant and fled away from the spot and thereafter report was made.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, charge-sheet has

been filed in the case, the applicant is in jail since 6-6-2016 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 other documents.
6. Perused the statement of the witnesses which would show that the dispute took place in between the family members over a partition.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and considering the statement of the victim girl and also the fact that the charge-sheet has been filed in the case, the applicant is in jail since 6-6-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant 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