

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3983 of 2016

Kailash Kurre, aged about 19 years, S/o. Bhagatram Kurre, R/o. Village-Araiband, P.S. - Takhatpur, District – Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station- City Kotwali, District - Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sandeep Yadav, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.07.2016

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 in connection with Crime No.254/2016, registered at Police Station- City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 456, 354, 354A(2), 506, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 19.05.2016 a report was made that the applicant entered into the house of the prosecutrix and thereafter caught hold of her and pressed her breast and when the lights were put on, the prosecutrix could recognize that it is the applicant and he was caught red handed. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant and the prosecutrix were in love relation and it is not possible that prosecutrix was not able to recognize her husband and since they were caught red handed, therefore, the false allegations have been

levelled against the applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 20.05.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case and degree of allegation leveled against the applicant and further considering the fact that the charge sheet has been filed and the applicant is in jail since 20.05.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, both the bail application filed under Section 439 of 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/-
(Goutam Bhaduri)
Judge