

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7364 of 2016

Itwari Goyal S/o Bamthu Satnami Aged About 60 Years R/o Village Jhal, Police Station Navagarh, District Bemetara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Navagarh, District - Bemetara Chhattisgarh

---- Respondent

Shri Ashok Soni, counsel for the applicant/s.

Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2016

Heard.

The applicant has been arrested in connection with Crime No.127/2016 registered at Police Station – Navagarh, District - Bemetara (CG) for alleged commission of offences under Section 354, 452, 506B of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant caught hold of the prosecutrix and outraged her modesty.

3. Learned counsel for the applicant submits that in the present case, investigation is complete, charge has been filed. It is submitted that looking to the extent of overt act alleged to have been committed by the applicant, he may be granted bail as he is not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned State counsel opposes prayer and submits that the applicant caught hold of the hand of the prosecutrix with intention to outrage her modesty. Therefore, *prima facie*, case is made out.

5. Taking into consideration the totality of circumstances, period of pretrial detention and that charge sheet has been filed and there is nothing to show that the applicant is likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for 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 from appearance.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge