

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7738 of 2016

Manohar S/o Santosh Sahu Aged About 19 Years Occupation Labour, R/o Village Birampur, Police Chowki- Chandanu, Police Station-Nandghat, Tehsil And District- Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Police Chowki Chandanu, Police Station Nandghat, District- Bemetara, Chhattisgarh

---- Respondent

For Applicant	:	Shri P.P. Sahu, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/12/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 404 of 2016 registered in Police Chowki -Chandanu, Police Station- Nandghat, District- Bemetara (C.G.) for the alleged commission of offence under Sections 354, 354-A (v), 354-C IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that while the prosecutrix was taking bath in a public pond, the applicant engaged himself in indecent and ugly exhibition of private parts.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The investigation is complete and the charge sheet has been filed. The applicant is neither likely to abscond nor tamper with the prosecution witnesses and looking to the maximum punishment which could be awarded for alleged commission of offence, the applicant may be released on bail

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that as the present case involves the commission of sexual offence against a minor girl, the applicant may not be granted bail.
5. True it is that the applicant is alleged to have committed offence under the provisions of IPC and POCSO Act, but looking to the overall allegation that there was no sexual assault as such on the prosecutrix, that the applicant expressed his sexual desire by ugly representation of private parts as alleged, the application is allowed.
6. 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 concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge