

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7547 of 2015

Santosh Kumar Nirmalkar, S/o. Guharam Nirmalkar, Aged About 48 Years, R/o. Village - Sirrikhurd, Post Office & Police Station - Fingeshwar, District – Gariyaband, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Fingeshwar, District – Gariyaband, Chhattisgarh

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.01.2016

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.198/2015, registered at Police Station– Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Section 354 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 20.11.2015 the prosecutrix/victim was at her kitchen garden, at that time, the applicant came there and found her alone caught hold of her and pressed her breast and tried to drag her whereby she fell down and thereafter the report was made.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as the dispute was existing in between the applicant and complainant's family with respect to the

irrigation of the land and therefore the false averments have been made. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 22.11.2015, therefore, the he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the facts and circumstances of the case and the degree of allegations and further considering the fact that the charge sheet has been filed and the applicant is in jail since 22.11.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge