

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7698 of 2015

1. Kailash Ram Sidar, S/o. Dhansingh Sidar, aged about 28 years, R/o. Village- Basanpali, Thana-Tamnar, Civil & Revenue District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Tamnar, Civil and Revenue District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/01/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.242/2015, registered at Police Station – Tamnar, District – Raigarh (C.G.) for the offence punishable under Section 354, 354 (A), 354 (D) of Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge sheet on 07.12.2015.
2. Case of the prosecution, in brief, is that on 12.11.2015, while the prosecutrix was coming back from his work at that time, the applicant came there and caught hold of her and pressed her breast and when the other saw, the applicant ran away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge-sheet in this case has been filed and considering the statement

no further evidence is required. He would further submit that the applicant is in jail since 13.11.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case, the degree of offence and the allegation levelled against this applicant and further taking in to the fact that charge-sheet in this case has been filed and the applicant is in jail since 13.11.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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