

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7728 of 2015

Lekhram Dhiwar S/o. Roop Singh, Aged about 20 years, R/o of village Sajapali, Sarhi, Police Station Sipat, Revenue and Civil District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Sipat District Civil and Revenue District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Anand Kesharwani, Advocate
For Respondent/ State	:-	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/01/2016

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. 171/2015 registered at Police Station- Sipat, District – Bilaspur (C.G.) for the offence punishable under Section 354, 456 of IPC and section 3(1)(11) of the Prevention of Scheduled Caste and Scheduled Tribe Act 1989 and section 7, 8 of Protection of Children from Sexual Offence Act.
2. Case of the prosecution, in brief, is that on 12.08.2015 at about 2.00 A.M. When the prosecutrix was sleeping in her house at that time the applicant entered into the house of the prosecutrix and pressed her breast. While, the prosecutrix wake up and raised an alarm then the applicant run away from the place. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant and the prosecutrix both are in lover relation. He further submits that the charge-sheet in this case has been filed and the applicant is in jail since 26.11.2015, therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact the degree of offence and the nature of allegation levelled against this applicant; the fact that the charge sheet in this case has already been filed and the applicant is in jail since 14.09.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)

Judge