

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7910 of 2016

Tinku Sinha S/o Santuram Sinha Aged About 20 Years R/o Village Kopra,
Police Station Panduka, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Panduka, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rajesh Tiwari, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. G.A. for the State.

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

Order On Board

15/12/2016

Heard.

The applicant has been arrested in connection with Crime No.151 of 2016 registered in Police Station- Panduka, District -Gariyaband (C.G.) for the alleged commission of offence under Sections 354 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Prosecution case is that when the prosecutrix was returning after responding to call of nature early in the morning at about 6:00 a.m., the applicant caught hold of her wrist with intention to outrage her modesty.

3. Learned counsel for the applicant submits that only allegation against the applicant is of catching hold of the prosecutrix by her wrist and nothing more. He submits that the applicant had an affair with the prosecutrix and when they were seen by the family members of the prosecutrix, the applicant

has been falsely implicated. He further submits that the investigation is complete, charge sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, therefore, he may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the age of the prosecutrix and that the applicant caught hold of her hand with intention to outrage modesty, prima facie case under Section 354 of IPC is made out which is non-bailable and minimum sentence is also provided.

5. Considering the submissions, nature of overt act against the applicant, time and place of the incident as also that the investigation is complete, charge-sheet has been filed and there is no material to show that in the event of grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses, 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