

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.391 of 2016

Keshar Prasad Tiwari, son of Malik Prasad Tiwari, aged about 22 years, resident of Pathan-mohatara, Post Gadmod, Police Station Nawagarh, Tehsil Nawagarh, Civil and Revenue District Bemetara, Chhattisgarh

---Applicant

Versus

State of Chhattisgarh, through: Station House Officer, Police Station Nawagarh, Civil and Revenue District Bemetara, Chhattisgarh

---Non-applicant

For Applicant	:	Mr. U.K.S.Chandel, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/02/2016

1. This is the first 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.5/2016, registered at Police Station-Nawagarh, District-Bemetara (C.G.), for the offence punishable under Sections 452 & 354 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that on 2.1.2016 the applicant entered into the house of the complainant and outraged her modesty and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant and the complainant both are neighbours and there is some pending dispute between the parties,

he is in jail since 4.1.2016, charge-sheet has already been filed and no further interrogation is required to be taken.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, pre-trial detention of the applicant and his role in offence in question, 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 the 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/-

(Sanjay K. Agrawal)
JUDGE

B/-