

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4264 of 2016

- Dhuvan Ram Kashyap S/o Shri Sohitaram @ Sohitram Kashyap Aged About 46 Years R/o Village Navagaon, Police Station Lormi, District Mungeli, Chhattisgarh.--- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station Lormi, District Mungeli (Wrongly Mentioned Bilaspur) Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. Roop Naik, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 115 of 2016 registered at P.S. Lormi, Distt. Mungeli (C.G) for the offence punishable under Section 354 of IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 & Section 3(1)(2) of Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, on 17.03.2016 the applicant entered into the house of victim and knowing fully well that her mother and father went out to attend their job, caught hold of her hand and dragged her into another room and tried to commit forcible sexual intercourse and thereby tried to outrage the modesty of the girl and further when the victim raised alarm, the applicant thereafter fled away.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and some dispute

was going on between the family members of the victim and the applicant, therefore, false allegations have been levelled against him. It is further submitted that the charge sheet in this case has been filed and; no further investigation is necessary and the applicant is in jail since 17.03.2016, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the charge sheet.
6. Considering the nature of offence and the degree of allegations levelled against the applicant as also taking into fact that the charge sheet has been filed and the applicant is stated to be in jail since 18.03.2016, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE