

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4 of 2016

1. Sanat Verma, S/o. Baharan Singh Verma, aged about 29 years, R/o. Village-Dunda Basti Andar, P.S. & District – Bemetara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Bemetara, District – Bemetara (C.G.)

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/01/2016

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.603/2015, registered at Police Station – Bemetara, District – Bemetara (C.G.) for the offence punishable under Section 452, 354, 354 (A) (i), 354 (B) of Indian Penal Code and U/s. 8 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the on 29.10.2015 at about 12.00 pm, the applicant entered into the house of the prosecutrix and tried to take out her cloths and when the prosecutrix made alarm, thereafter, the applicant fled away from the scene.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the date of birth of the prosecutrix is 06.09.1998 therefore, she is aged about 17 years and 8 months. He would further submit that charge-

sheet in this case has been filed and the applicant is in jail since 30.10.2015, 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 and would submit that the applicant has previous antecedents of similar offence under Section 450 and 376 of I.P.C., therefore, he may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the statement of the prosecutrix. Perusal of the statement would show that the applicant tried to outrage the modesty of the prosecutrix, who is minor girl. Taking into the way the offence has been committed and the fact that in the credit of the applicant, similar nature of crime was registered under Section 376 of I.P.C., therefore this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge