

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 71 of 2016

Parmeshwar @ Raju, S/o. Dayaldas Satnami, aged about 25 years, R/o. Village-Mehna, Police Station – Nandghat, Civil and Revenue District – Bemetara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station - Nandghat, Civil and Revenue Distt. - Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vaibhav A. Goverdhan, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

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.503/2015, registered at Police Station– Nandghat, District – Bemetara (C.G.) for the offence punishable under Section 456, 354, 294, 506-B of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 11.11.2015, the applicant entered in to the house of the prosecutrix, aged about 11 years and tried to outrage the modesty of the prosecutrix by pressing her breast and when the alarm was made, the applicant fled away from the scene.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that the prosecutrix has made contradictory statement recorded under

Section 161 of Cr.P.C. and 164 of Cr.P.C.. He would further submit that charge-sheet in this case has been filed and no further evidence is required and the applicant is in jail since 13.11.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case, the degree of offence and the allegation levelled against this applicant, further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 13.11.2015, 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 each 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/-
(Goutam Bhaduri)
Judge