

HIGH COURT OF CHHATTISGARH, BILASPUR

M. CR. C No. 219 of 2016

Ashish Mandal S/o. Haran Mandal, aged about 25 years, R/o. Santoshi Nagar, Dharamjaigarh, Tahsil Dharamjaigarh District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Dharamjaigarh, Civil and Revenue District Raigarh (C.G.)

---- Respondent

For Applicants	:-	Ms. Vivek Singhal, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/01/2016

1. This is the first bail application under Section 439 Cr.P.C for grant of bail to the applicant who has been arrested on 10.12.2015 in connection with Crime No. 286/2015 registered at Police Station Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 341,354,323,34 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offence Act, 2012 and section 3(1)(11) of Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act.
2. Case of the prosecution, in brief, is that, 26.09.2015 while the victim was coming back to her house at that time the applicant came and he forcefully stopped the prosecutrix and when the prosecutrix tried to call her father on mobile, the applicant snatched the mobile of the prosecutrix and tried to caught hold of her breast and assaulted the prosecutrix and when the villagers came there the

applicant fled away from the spot. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the way of offence has been committed it cannot be stated that there was intention to commit any sexual overact. He further submits that the applicant is in jail since 10.12.2015 and the charge-sheet has been filed in this case, therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the nature of offence and the degree of allegations levelled against this applicant and the fact the charge sheet in this case has been filed and the applicant is in jail since 10.12.2015, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge