

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 832 OF 2016**

Neelamber @ Paklu son of Khemraj Barik aged about 21 years Caste Satnami resident of village Bade Dabha Police Station and Tahsil Basna District Mahasamund C.G.

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer Police Station Basna District Mahasamund C.G.

---Non-applicant

For Applicant	: Mr. Vikash Pradhan, Advocate
For-Non-applicant	: Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/03/2016**

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. 295/2015, registered at Police Station Basna, District Mahasamund C.G., for the offence

punishable under Sections 354, 454, 506(B) of I.P.C. And Section 8 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 10/10/2015, applicant outraged the modesty of minor complainant by trespassing into her house and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that applicant is in jail since 11/10/2015 and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned State counsel brings to notice of the Court that for the offence under Section 354 of IPC, applicant was earlier convicted on 25/10/2013 and sentenced for one year and after releasing on bail, again he has committed same offence.

5. I have heard learned counsel appearing for the

parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; applicant is previously convicted for the offence under Section 354 of IPC and again he is said to have outraged the modesty of complainant, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge