

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1894 of 2016**

Devi Sahu S/o Mr. Chhedi Sahu, Aged about 26 years, R/o Village-Chumkunwa, Thana-Koni, District-Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh Through Police Station-Koni, District Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Achhuit Tiwari, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/04/2016

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.22/2016, registered at Police Station-Koni, District-Bilaspur (CG), for the offence punishable under Sections 452, 354 of the IPC and Section 3 (1) (xi) of the SC/ST (Prevention of Atrocity) Act.

2. Case of the prosecution, in brief, is that on 13.1.2016 the applicant trespassed in the house of the complainant who belongs to Scheduled Tribe category and outraged her modesty, and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question on account of dispute with the husband of the complainant. The applicant is in jail since 30.1.2016 and charge-sheet

is yet to be filed. He would further submit that co-accused Dinesh Sahu has been released on bail by this Court vide order dated 10.3.2016 in M.Cr.C.No.1243 of 2016 and case of the present applicant is similar to that of the co-accused, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, his pre-trial detention and the fact that that bail was granted to co-accused Dinesh Sahu, 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 in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-