

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1980 of 2016

Sanjay Nishad S/o Keju Nishad aged about 18 years R/o
Atal Aawas Jawahar Nagar Chandan Para P.S. Jamul
District Durg C.G.

---Applicant

Versus

State of Chhattisgarh through P.S. Jamul District Durg
C.G.

---Non-applicant

For Applicant	:	Mr. Arvind Dubey, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/04/2016

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. 92/2016, registered at Police Station Jamul District Durg (C.G.), for the offence punishable under Sections 354, 456 of IPC and Sections 7, 8 of the Protection of Children from Sexual Offences

Act, 2012.

2. Case of the prosecution, in brief, is that, on 13/02/2016, at about 2.30 PM, present applicant outraged the modesty of minor victim/complainant 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 this case. He would further submit that substantial investigation has been completed and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 13/02/2016 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 and circumstances of the case; further taking into

consideration the nature and gravity of offence; role of the present applicant in offence in question; charge sheet has already been filed and applicant is in jail since 13/02/2016, this Court is of the opinion that present is the 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 applicant shall be released on bail on 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE