

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2701 OF 2016

Paalsingh, S/o Hemlal, aged about 19 years, Caste Kanwar, R/o Village Daanitola, Police Station and Tahsil Dongargaon, District Rajnandgaon (C.G.)

... Applicant

Versus

The State of Chhattisgarh, through the Police Station Dongargaon, District Rajnandgaon (C.G.)

... Non-applicant

For Applicant	:	Mr. M.K. Bhaduri, Advocate.
For Non-applicant/State	:	Mr. Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to the Applicant who is in jail since 29.3.2016 in connection with Crime No. 61/2016 registered at Police Station- Dongargaon, District Rajnandgaon, for the offence punishable under Sections 354, 294, 323 & 506 read with Section 34 of IPC and Sections 4 & 7 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution, the Applicant along with another juvenile accused is said to have tried to outrage the modesty of the victim who was aged about 16 years and 6 months on the date of incident i.e. 18.11.2015.
3. Learned Counsel for Applicant at the outset submits that the co-accused person is a juvenile and the Applicant is a young boy of only 19 years of age and that the Applicant had only caught hold of the hand of the victim and there was no assault or a criminal force used in the course of outraging the modesty of the victim and therefore the offence under

Section 354 of IPC cannot be made out and at best if the prosecution case is accepted as it is it may be a case which falls under under Section 354-A of IPC where there is no minimum sentence and the sentence can be extended for a period of three years. He further submits that the Applicant has already remained in jail for a period of about 2 ½ months and therefore he may be released on bail.

4. On the other hand, learned Counsel for the State opposes the bail application.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking into note of the allegations levelled, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
V. Judge