

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3058 of 2016

- Santan Das Banjare S/o Harishchand Banjare Aged About 19 Years R/o Vill. - Haldi, P.S. - Gunderdehi, Civil & Revenue Distt. : Balod Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through P.S. - Gunderdehi, Distt. Balod Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Rakesh Thakur, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 298/2015 registered at P.S. Gunderdehi, Distt. Balod (C.G) for the offence punishable under Sections 452, 354, 506B, 323 of IPC and Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant on 14.09.2015 entered into the class room of the victim broke a beer bottle and thereafter asked the students and teacher to go out except one Ku. Tomeswari Sahu. While everybody has gone out he caught hold of her hand and at that time, the prsecutrix was set free by the other teachers. The victim was aged about 17 years.
3. Learned counsel for the applicant submits that the prosecutrix has been examined and it is only alleged that the applicant caught hold of the hand of prosecutrix and no overt act of sexual assault has been attributed to the applicant.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim.
6. Considering the facts and circumstances of the case and the degree of allegations levelled against the applicant and taking into consideration that the prosecutrix has been examined and few of witnesses are still to be examined and further looking to the period of detention as he is stated to be in jail since 22.09.2015, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE