

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3066 of 2016

- Kanhaiya Yadav S/O Pradip Yadav Aged About 25 Years R/O Indira Nagar, Raigarh, Tahsil & District Raigarh Civil & Rev. District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Through Kotwali, Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajendra Tripathi, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 3-3-2016 in connection with Crime No. 112 of 2016, registered at Police Station Thana Kotwali, District Raigarh (CG) for the offence punishable under Sections 451, 354, & 323 of the IPC.
2. As per prosecution case, on 2-3-2016 the applicant went inside the house of the complainant and tried to catch hold of her hands and when she raised alarm, the neighbours came and intervened, thereafter the applicant fled away from the spot and thereby the applicant tried to commit outrage her modesty.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, charge-sheet has been filed, the applicant is in jail since 3-3-2016 and considering

the statement of the prosecutrix, no offence has been committed, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail
5. I have heard learned counsel for the parties and have also perused the case diary, documents and the statement of the prosecutrix
6. Taking into consideration the facts and circumstances, degree of offence and nature of allegation leveled against the applicant and further considering the fact that charge-sheet has been filed and the applicant is in jail since 3-3-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju