

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3083 of 2016

1. Rishigiri Goswami, S/o. Late Shri Manohar Goswami, aged about 22 years, R/o. Village-Bushadi, Thana & Tahsil – Jonk, Civil and Revenue District-Nuwapada (Orissa)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Tendukona, Civil and Revenue District - Mahasamund (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Sumit Shrivastava, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/06/2016

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.175/2015, registered at Police Station – Tendukona, District – Mahasamund (C.G.) for the offence punishable under Section 363, 354, 354-A of Indian Penal Code and Section 8 of Protection of Children's from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 24.11.2015, the applicant went to the hostel of victim and stated that his mother and father are not keeping well and asked her to accompany, therefore, the victim/minor girl went along with the applicant and other co-accused. Subsequently when they reached near village Tendukona at that time the applicant stopped the motor cycle and stated that he used to like

the victim and subsequently resisted and roam around along with the applicant, thereafter she was left alone at Bagbahara and thereby tried to outrage her modesty.

3. Learned counsel for the applicant submits that the applicant has not done any overt act and only the applicant has stated that he likes the girl and therefore, taking into such allegation and the fact that the applicant is in jail since 24.02.2016 and charge-sheet in this case has been filed, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the girl under Section 164 as also the statement recorded under Section 161 of Cr.P.C. Considering the degree of allegation made against this applicant and the fact that charge-sheet in this case has been filed, the applicant is in jail since 24.02.2016, 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge