

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3329 of 2016

- Ishwar Shrivastava S/O Late Ramu Lal Shrivastava Aged About 44 Years
R/O Beside Jagannath Temple, Ward No. 36, Gandhi Chowk,
District - Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station - Kotwali, District
Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Shobit Koshta, Advocate

For Respondent/State : Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.07.2016

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 18-05-2016 in connection with Crime No. 333 of 2016, registered at Police Station Kotwali, District Rajnandgaon (CG) for the offence punishable under Sections 354, 354(a)(1) and 354(a)(2) of IPC.
2. As per prosecution case, on 17-5-2016 when the victim girl was returning back from shop to her house at about 8.30 pm., at that time the applicant stopped her and all of a sudden he caught hold of the hands of the victim and slapped her and thereby he tried to outrage her modesty.
3. Learned counsel appearing for the applicant would submit that even if the statement of the victim is taken as it is, it will not constitute the offence under Section 354-A of the IPC. He would

further submit that no ingredient of Section 354-A of the IPC is present in the case. He would further submit that the charge-sheet has been filed in this case and he is in jail since 18-5-2016, therefore, he may be released on bail.

4. On the other hand, 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 and the documents.
6. Perused the statement of the victim.
7. Taking into consideration the totality of the circumstances, nature of allegation leveled against the applicant, considering the statements of the victim and further considering the fact that the charge-sheet has been filed and the applicant is in jail since 18-5-2016, I am inclined to release the applicant on bail.
8. 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