

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3393 of 2016

- Dharmendra S/O Hemlal Satnami Aged About 26 Years R/O Village Ranka, Thana Bemetara, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sameer Singh, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.07.2016

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 27-05-2016 in connection with Crime No. 269 of 2016, registered at Police Station Bemetara, District Bemetara (CG) for the offence punishable under Sections 354 and 456 of the IPC.
2. As per case of the prosecution, on 27-05-02016 at about 10.30 pm the prosecutrix was sleeping in her house and the main door was opened because of failure of electricity, at that time, the applicant entered into her house and caught hold of her hands and on being objected he fled away from the spot and thereby he tried to outrage her modesty.
3. Learned counsel appearing for the applicant would submit that the the applicant has been falsely implicated in the case as there was previous enmity existing between the applicant and prosecutrix. He would further submit that the applicant has not done to outrage

her modesty, charge-sheet has been filed in this case, no further investigation is necessary and the applicant is in jail since 27-05-2016, therefore, he may be enlarged 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 statements of the prosecutrix recorded under Sections 161 and 164 of Cr.P.C.
7. Taking into consideration all the facts and circumstances of the case, nature of allegation leveled against the applicant, charge-sheet has been filed in this case, the applicant is in jail since 27-05-2016 and considering the statements of the prosecutrix recorded under Sections 161 and 164 of Cr.P.C, 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