

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3960 of 2016

Sumit, S/o. Firtu Shrivastava, aged about 19 years, R/o. Charan Nagar Champa, Police Station – Champa, Civil and Revenue District – Janjgir-Champa (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Champa, Civil & Revenue District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. Deepak Kumar Singh, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

22/07/2016

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 in connection with Crime No. 104/2016, registered at Police Station- Champa, District – Janjgir-Champa (C.G.) for the offence punishable under Section 454, 354, 323, 34 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that on 21.04.2016, the applicant along-with other co-accused entered into the house of the prosecutrix after removing the tiles and thereafter caught hold of her and tried to outrage the modesty of the prosecutrix and when the alarm was being raised, the uncle of the prosecutrix came into the room, who was assaulted by the applicant along-with other co-accused. Thereafter they fled away. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is submitted that there was previous enmity was existing, therefore, the applicant has been inculpated in the alleged offence. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 22.04.2016 and no further evidence is required, therefore, 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 for the parties.
6. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 22.04.2016, 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