

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4315 of 2016

- Deepak Nayak S/o Suhan Nayak Aged About 24 Years R/o Kalpara, Ambikapur, Tahsil Ambikapur, District Sarguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Ambikapur, District Sarguja, Chhattisgarh. ---- **Respondent**

For the applicant	:	Mr. Jitendra Shrivastava, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 405 of 2016 registered at P.S. Ambikapur, District Sarguja (C.G) for the offence punishable under Sections 354 of IPC & Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 19.6.2016 while the victim was picking up the wood near forest depot at that time, the applicant touched her shoulder and caught hold of her hand and tried to push her behind the forest depot, thereby he tried to outrage the modesty of the girl. When the victim raised alarm, he fled away.
3. Learned counsel for the applicant would submit that earlier a dispute arose between the applicant and the victim and over such dispute, he has been falsely implicated in this case. He further submits that the statements of the victim have been

recorded and no further evidence is required and the applicant is in jail since 23.06.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of victim recorded u/ss 161 & 164 Cr.P.C.
6. Taking into such statements of prosecutrix and further considering the degree of allegations levelled and the totality of facts and circumstances of the case, without making any observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**