

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7196 of 2015

- Dwarika Sahu S/o Basant Sahu Aged About 29 Years R/o Village Hichchha, Police Station Bhimkhoj, Tahsil Bagbahra, District Mahasamund Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vikash Pradhan, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 71/2015 registered at P.S. Komakhan, Distt. Mahasamund (C.G) for the offence punishable under Section 354 (A)(i) of IPC & Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution, on 06.09.2015 while the prosecutrix was going to fetch water from a Bore Well, the applicant came there, dragged her to his in-laws house and pressed her chest and thereby tried to outrage her modesty.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as prior to this incident, the cousin brother of the prosecutrix has committed rape with the sister-in-law of the applicant on 03.10.2014, for which an FIR was lodged vide Annexure A-2, therefore, the applicant has been wrongly inculpated in this case. He further submits that the charge sheet in this case has been

filed and the applicant is in jail since 07.09.2015 and therefore prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of the prosecutrix as also the FIR filed by her.
6. Taking into totality of the facts and circumstances of the case especially the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 07.09.2015 and further looking to the allegations and counter allegations, 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.
8. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**