

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7444 of 2015

Umashankar Shukla, Aged about 33 years, S/o. Tulsiram, R/o. of village Gataura, Near Shiv Mandir, Police Station- Koni, Civil and Revenue District Bilaspur (C.G.) permanent resident of village Podi, Police Station Chakarbhatha, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through, the Station House Officer, Poice Station Koni, Civil and Revenue District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Malay Kumar Bhaduri, Advocate
For Respondent/ State	:-	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

06/01/2016

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. 187/2015 registered at Police Station- Koni, District Bilaspur (C.G.) for the offence punishable under Sections 456,354, 427,506 of IPC and section 8 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 15.09.2015 the applicant entered into the house of the complainant to outrage the modesty of the daughter of the complainant. On being resisted the applicant cause damaged to the property. Thereby, the offence is registered.

3. Counsel for the applicant submits that the FIR was lodged by the father of the victim and the FIR and statement recorded under section 164 of Cr.P.C. there are contradictory in the nature, therefore, in the FIR no allegation of loot of amount and the damage the property has been alleged. He further submits that the applicant has been falsely implicated in this case and he is in jail since 16.09.2015; therefore, the applicant may be enlarged on bail.
4. Learned State opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim. Perusal of the case diary and the statement of the victim and also the FIR, prima-facie, it appears that there is no allegation has been made against this applicant in the FIR for loot. Considering the totality of the facts and circumstances of the case; the charge-sheet in this case has been filed and considering the prima-facie degree of allegation against the applicant and further applicant is in jail since 16.09.2015, this Court is of the opinion that it is a fit case where the applicant can be released on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge