

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7522 of 2015

- Ramavatar S/o Bhudhram Aged About 45 Years R/o Caste - Ahir, Village - Sevra, P.S. Pendra, Distt. Bilaspur Chhattisgarh.

--- Petitioner

Versus

- State of Chhattisgarh through Station House Officer, Police Station Pendra, Distt. Bilaspur Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Yogendra Chaturvedi, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.01.2016

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. 226 of 2015 registered at P.S. Pendra, Distt. Bilaspur (C.G) for the offence punishable under Section 354, 354 (Kha), 294, 506-B of IPC.
2. Case of prosecution, in brief, is that in the night of 23.10.2015 at about 10 p.m., when the prosecutrix was sleeping in the house, at that time, the present applicant abused her and when she she opened the door, the applicant dragged her, disrobed her Sari and threw it away. When the prosecutrix raised alarm, the family members came to her rescue and on having seen them, the applicant fled away, therefore, the applicant tried to outrage the modesty of the prosecutrix.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and because of the

family dispute, false accusations have been made. He submits that looking to the way in which the offence is said to have been committed, it is highly improbable to believe the prosecution case. He submits that the applicant is in jail since 16.11.2015, therefore, he may be enlarged on bail.

4. Per contra learned State Counsel opposes the bail.
5. Perused the statement of the victim and the case diary.
6. Taking into the totality of the facts and circumstances of the case and the way in which the offence is said to be committed and considering the degree of allegations against him and the fact that the charge sheet in this case has been filed and the applicant is in jail since 16.11.2015, 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