

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7560 of 2015

Manoj Chamkel, S/o. Munnalal Chamkel, Aged About 25 Years, R/o. Ward No. 15, Pipariya, Thana Pipariya, District Kabeerdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Thana- Pipariya, District Kabeerdham (C.G.)

---- Respondent

For Applicant	:-	Mr. Samir Singh, Advocate
For Respondent/ State	:-	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

13/01/2016

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. 331/2015 registered at Police Station- Pipariya, District Kabeerdham (C.G.) for the offence punishable under Sections 454,354,323 of IPC.
2. Case of the prosecution, in brief, is that on 21.11.2015 at about 4-5 PM when the prosecutrix was sleeping in her house at that time the applicant came and forcefully entered into the house by opening the shutter and thereafter caught hold the hands of the victim and tried to outrage her modesty. At that time, she raised an alarm, after hearing the alarm the father-in-law and the brother-in-law of the victim came to the incident place. Thereby, the offence is committed.
3. Counsel for the applicant submits that the husband and the victim both are the sweeper and there has been some dispute existed between them. Consequently, the applicant has been falsely

implicated in this case. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 13.11.2015, therefore, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the nature of offence and the degree of allegations levelled against this applicant; the charge sheet has been filed in this case and the fact the applicant is in jail since 13.11.2015, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. are 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