

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7771 of 2015

Sonu Patel, S/o. Shri Govindram Patel, Aged About 21 Years, R/o. Purani Basti, Mouli Chowk, Distt. Baloda Bazar Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station- Baloda Bazar, Chhattisgarh

---- Respondent

For Applicant : Mr. Anjinesh Shukla, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.01.2016

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.453/2015, registered at Police Station– Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 354, 456 of IPC and Section 8 of POCSO Act, 2012.
2. Case of the prosecution, in brief, is that on 12.12.2015 while the prosecutrix/ victim was going to her Bathroom, at that time, the applicant jumped from terrace into the courtyard of the prosecutrix and went towards the Bathroom and thereafter caught hold of the prosecutrix and pressed her breast.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as there has been a previous enmity was existing. He further submits that the applicant and the prosecutrix were not the neighbours, therefore, considering the

allegation leveled against the applicant, which is improbable, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and the degree of allegation and further considering the fact that the charge sheet has been filed and the applicant is in jail since 12.12.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge