

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4470 of 2016

1. Baburam, S/o. Devnarayan Singh Gond, aged about 19 years, R/o. Shivpur, Jhumariyapara, Police Station – Khadgawa, District -Korea (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police of Station- Khadgawa, District – Korea (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Anil Gulathi, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.27/2016, registered at Police Station – Khadgawa, District – Korea (C.G.) for the offence punishable under Section 456, 354 (A) (1) of the Indian Penal Code and Section 9 (३) 10 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 22.01.2016, the applicant went to the house of the prosecutrix and when the brother of the prosecutrix was sent to bring the liquor at that time, the prosecutrix was alone, the applicant took her inside the room and put down her garments and thereby tried to outrage the modesty of the girl. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and charge-sheet in this case has been filed and no further evidence is required and the applicant is in jail since 24.01.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and statement. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation and further considering the fact that charge-sheet in this case has been filed and no evidence is required, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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 his 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