

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4698 of 2016

Patiram Nirmalkar, S/o. Vishamber, Aged About 55 Years, R/o. Nigarbandh, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S.Baghel, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.10.2016

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.187/2016 registered at Police Station- Takhatpur, District Bilaspur (C.G.) for the offence punishable under Section 354 of Indian Penal Code.
2. As per the prosecution case, a report was made on 06.07.2016 that the applicant on the pretext of witchcraft made the prosecutrix to come to the room alone, thereafter, he took out all the garments and sucked her breast and pressed also; thereby he tried to outrage her modesty.
3. Learned counsel for the applicant would submit that the prosecutrix in this case has been examined and she has not supported the case of the prosecution, therefore, the applicant may be released on bail, as he has been falsely implicated.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix

has been examined and she has not supported the case of the prosecution.

5. Perused the case diary and the statement of the prosecutrix. On perusal of the statement, it appears that the prosecutrix has turned hostile. Considering the same, without any observation on merit, I am inclined to release the applicant 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