

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4927 of 2016

Sanjay Goswami, S/o. Shri Gopendra Goswami, Aged About 35 Years,
R/o. Behind Holly Nursery School, Rajkishore Nagar, Police Station
Sarkanda, Tahsil- Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Sarkanda, Tahsil & Civil &
Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Suryakant Mishra, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.08.2016

1. This is the second 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.237/2016 registered at Police Station- Sarkanda, Distt. Bilaspur (C.G.) for the offence punishable under Section 354 of Indian Penal Code and Section 11, 12 of the Protection of Children from Sexual Offence Act, 2012. The first bail application was dismissed for want of prosecution on 28.07.2016 in MCRC No.4113 of 2016.
2. As per the prosecution case, a report was made by the mother of the prosecutrix that on 28.03.2016 while the victim/girl who is 9 years of age was playing, the applicant called her and took her to the Sulabh-Sauchalaya and thereafter tried to outrage the modesty. Subsequently, the applicant was arrested.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as the father of the victim/

girl was caught red-handed while committing theft by the applicant who is the Security Guard, therefore, false allegations have been attributed and, as such, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim/girl. Taking into the facts & circumstances of the case, nature of allegation leveled and considering the fact that the applicant is in jail since 30.03.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge