

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5040 of 2016

1. Rustam Sen, S/o. Shri Bhuneshwar Sen, aged about 16 years, R/o. Village-Farsiya, Than & Tahsil – Nagari, Civil and Revenue District – Dhamtari (C.G.), through his Mother Smt. Savita Sen, W/o. Shri Bhuneshwar Sen, R/o. Village-Farsiya, Than & Tahsil – Nagari, Civil & Revenue District – Dhamtari (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Nagari, Civil and Revenue District – Dhamtari (C.G.)

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/08/2016

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.47/2015, registered at Police Station – Nagari, District – Dhamtari (C.G.) for the offence punishable under Section 506, 354, of Indian Penal Code and Section 8 of the Protection of Children's from Sexual Offences Act and Section 3 (1) (XI) of the Schedule Caste and Schedule Tribe Prevention of Atrocities Act.
2. Case of the prosecution, in brief, is that on 07.07.2015, when the complainant was going to her school at that time the applicant intervened her way and caught hold of her hands and stated that he loves the victim. 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 is the juvenile and charge-sheet in this case has been filed and no further investigation is necessary. He further submits that taking into the allegation made against the applicant and the fact that he is in jail since 15.07.2015, 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 the statement of the victim. Taking into the statement of the victim and the facts and circumstances of the case and further considering the fact that the applicant is a juvenile and he is in jail since 15.07.2015, 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 furnishing a personal bond by his mother 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