

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5231 of 2016

1. Abhishek @ Hani Dewangan, aged about 18 years, S/o. Surendra Dewangan, R/o. Village-Katgi, Tahsil & P.S. Kasdol, District – Baloda Bazar – Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. -Kasdol, District – Baloda Bazaar – Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. K.K. Dewangan, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/09/2016

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.242/2016, registered at Police Station – Kasdol (Wrongly mentioned as P.S. - Palari in order), District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 354(C), 509 R/w. Section 34 of I.P.C. and Section 66 (E), 67 (A) of I.T. Act and Section 14 & 17 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by the father of the victim Kiran that present applicant along with other co-accused has prepared video of the victim in the school and made obscene messages and circulated it in to his groups. It is further stated that the applicant, who was also the student used to throw paper to the girl while she used to go to school and he used to pass

obscene comments and tried to catch hold of her cycle. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is the student. It is further submitted that the applicant is in jail since 10.07.2016, charge-sheet in this case has been filed and no further investigation is necessary, 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 the statements. Considering the degree of allegation made and the fact that charge-sheet in this case has been filed and taking into the facts and circumstances of the case, 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