

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5367 of 2016

- Laxman Koshle S/O Late Jaggu Ram Koshle Aged About 50 Years
R/O Bannakdih, P.S. Sirgitti, Bilaspur, Tahsil & District Bilaspur
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station Sirgitti, District
Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. D.C. Verma, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-09-2016

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 on 11-8-2016 in connection with Crime No. 166 of 2016, registered at Police Station Sirgitti, District Bilaspur (CG) for the offence punishable under Sections 354 of IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 3-5-2016 when the victim girl was feeding the animals, at that time, the applicant reached there and caught hold of the victim from back side and thereafter he pressed her breast and tried to put off her underwear. When she raised alarm, her sister came there and applicant fled away from the spot and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case because of some other dispute of one Surjit Singh and false allegations have been attributed to the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 11-08-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of the victim girl recorded under Sections 161 and 164 of the Cr.P.C.
7. Taking into consideration the facts and circumstances of the case, degree of allegations and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 11-08-2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju