

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5425 of 2016

- Shyam Dev Pandey S/o Chandrika Pandey Aged About 40 Years R/o Village Gumga, Police Station Udaypur, District Surguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Udaypur, District Surguja, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Ajay Kumar Pandey, Advocate
For the Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 65/2016 registered at P.S. Udaypur, Distt. Surguja (C.G) for the offence punishable under Section 452, 294, 506, 323, 354 of IPC.
2. As per the prosecution case, on 18.06.2016 the applicant entered into the house of the applicant and tried to pull her Sari and when it was objected, the applicant expressed his desire of having sexual intercourse with the victim and when the daughter of the victim came, she was assaulted, thereby the offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case; charge sheet has been filed and no further investigation is necessary and the applicant is in jail since 19.06.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.

5. Perused the statement of the victim and the case diary.
6. Considering the facts and circumstances of the case and taking into degree of allegations leveled against the applicant as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 19.06.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE