

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5660 of 2016

1. Anil Kumar Bhardwaj, S/o. Parshuram Bhardwaj, aged 26 years, R/o. Village- Awaspara, Bhanesar, P.S. - Masturi, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Masturi, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Mirza Keshar Beg, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/09/2016

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.279/2016, registered at Police Station – Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 354, 354 (1) (A), 294, 323 of I.P.C. and Section 8 of Protection of Children from Sexual Offence Act.
2. Case of the prosecution, in brief, is that on 17.07.2016 while the victim was going to her relative's house at that time, the applicant came in the motor cycle and asked her for sexual favour on the allegation that she had already illicit relation with other person and thereby caught hold of the hand of the victim and tried to drag her and forced her to sit in the motor cycle. Thereby tried to outrage the modesty of the victim.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case due to previous enmity. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 30.07.2016 and no further investigation is required, 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. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicant and the fact that charge-sheet in this case has been filed and the applicant is in jail since 30.07.2016, 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