

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5699 of 2016

- Mitrasen Mar @ Pata S/O Late Shankar Singh Aged About 40 Years R/O Jamuatad, Police Station Balrampur, District Balrampur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Balrampur, District Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-09-2016

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 11-7-2016 in connection with Crime No. 80 of 2016, registered at Police Station Balrampur, District Balrampur (CG) for the offence punishable under Sections 457, 354, 323 and 324 of the IPC.
2. As per prosecution case, on 9-7-2016 at about 11.00 pm., victim was sleeping in her house, at that time, the applicant entered into her house and pulled her saree. When the victim raised alarm, the applicant fled away from the spot and thereby the applicant tried to outrage her modesty.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and there was some previous enmity existing between the parties, therefore, 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 11-7-2016 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 and have also perused the case diary and the documents.
6. Perused the statement of the victim in which general allegations have been made against the applicant.
7. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact charge-sheet in this case has been filed and the applicant is in jail since 11-7-2016, 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