

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6023 of 2016

1. Amit Kumar Namdev, S/o. Ambika Prasad, aged about 34 years, R/o. Bramhapara, Tripathi Gali, Ambikapur, District – Surguja (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Kishore Narayan, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/10/2016

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.375/2016, registered at Police Station – Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 354, 354(A) (1), 354D, 294, 323, 34 of Indian Penal Code and Section 12, 7, 8 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by the victim girl that while the victim girl was going to school, applicant along with other co-accused persons used to show obscene gesture and pressed her back and thereby outraged her modesty. When it was objected by some of the relatives of the victim girl namely Rajesh, the applicant along with other co-accused persons abused and assaulted him and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and he has not committed any offence. He would further submit that charge-sheet in this case has been filed and the similarly placed co-accused in this case has been enlarged on bail vide order dated 14.09.2016 in M.Cr.C. No. 5357/2016, therefore, counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstance of the case and the fact that similarly placed co-accused in this case has been released on bail vide order dated 14.09.2016 in M.Cr.C. No. 5357/2016, 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