

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6148 of 2016

Om Prakash @ Montu, S/o. Puniram Patel, Aged About 25 Years, R/o. Jongara, Police Station Sakti, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Sakti, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Singhal, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.10.2016

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 in connection with Crime No.126/2016 registered at Police Station- Sakti, District Janjgir-Champa (C.G.) for the offence punishable under Section 354(2) & 454 of Indian Penal Code & Section 3(1)(xi) of Scheduled Caste/ Scheduled Tribe (Prevention of Atrocities) Act.
2. As per the prosecution case, a report was made by the victim on 02.05.2016 that on 29.04.2016 while she was alone in the house, the applicant came and took away her Saree and thereafter caught hold of her and went inside the room and threw into the cot and then she raised alarm and one Narmada Bai and brother-in-law Santosh came and after seeing them, the applicant fled away.
3. Learned counsel for the applicant would submit that the charge sheet in this case has been filed and no further investigation is necessary. He further submits that due to the previous enmity, the

allegations have been attributed and the applicant is in jail since 06.09.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of the victim under Section 161 & 164 of Cr.P.C. Considering the degree of allegations and facts & circumstances of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.
8. Learned counsel for the applicant submits that during filing of the charge sheet, Section 354(A)(2) of IPC has been added. Considering the submission made, the order shall also govern the charge apart from the above mentioned Sections.

Sd/-
(Goutam Bhaduri)
Judge