

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6307 of 2016**

- Mahendra Yadav S/o Late Manaram Aged About 23 Years R/o Sagarpara, Devbaloda, Police Station Purani Bhilai, District Durg, Chhattisgarh. Civil & Revenue District Durg.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Police Station Old Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Petitioner : Shri Vivek Shrivastava, Advocate
 For Respondent/State: Shri Manish Nigam, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/10/2016**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.386/16 registered at Police Station Old Bhilai, District Durg for the offence punishable under Section 354 & 456 of IPC and Section 7 & 8 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 21-08-2016.

3. Case of the prosecution is that the applicant entered the house of the prosecutrix with an intention to outrage her modesty.

4. Learned counsel for applicant submits that the only allegation against the applicant is that he came in and caught hold of the prosecutrix by her wrist, except this, there is no other allegation. It is submitted that the prosecutrix and the applicant were having friendship and the allegations against the applicant are exaggerated in nature. He submits that the father of the prosecutrix has already submitted an affidavit before the Court below that due to some

misunderstanding, report was lodged and he does not want to take any action in the matter.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that in view of what has been stated by the prosecutrix in her statement recorded under Section 164 Cr.P.C., a prima facie case is made out against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that except catching hold of the prosecutrix by her wrist, no other overt act is alleged to have been committed by the applicant and that the applicant is in jail since 21-08-2016, investigation is complete, charge sheet has been filed and further that the father of the prosecutrix submitted an affidavit before the Court below, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

Sd/-

(**Manindra Mohan Shrivastava**)

J U D G E