

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6747 of 2016

Sukhlal, S/o. Heera Lal Baiga, Aged About 38 Years, R/o. Village Khada Khoh, Police Station Janakpur, Tahsil Bharatpur, District Korea, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station - Janakpur, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.11.2016

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.69/2016 registered at Police Station- Janakpur, District Korea (C.G.) for the offence punishable under Section 354, 456, 506 r/w 34 of Indian Penal Code.
2. As per the prosecution case, on 03.05.2016 when the victim was alone in her house alongwith her children, at that time, the applicant alongwith other co-accused Rewa Das, Babu Lal Yadav and Amarjit forcefully entered into the house by breaking the door. The other co-accused Babu Lal Yadav & Rewa Das were standing outside the house and the applicant Sukhlal and one Amarjit took out the Saree of the victim and tried to outrage her modesty and when the victim raised alarm, the neighbours came and thereafter all the accused persons fled away. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case, the FIR was delayed by three days and no plausible explanation have been given, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the statement of the victim. Taking into the statement and the away the offence has been committed and further taking into the fact that direct allegations are attributed against the applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge