

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6777 of 2016

Kanhaiya @ Kannu Netam, S/o. Phool Singh Netam, Aged About 22 Years, R/o. Ambedkar Ward Behind Janpad School Kondagaon, Tahsil Kondagaon, Police Station Kondagaon, Civil & Revenue District Kondagaon, Chhattisgarh. (Complete name is not mentioned in order impugned).

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Kondagaon, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.11.2016

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.204/2016 registered at Police Station- Kondagaon, District Kondagaon (C.G.) for the offence punishable under Section 354, 456 of Indian Penal Code.
2. As per the prosecution case, on 14.09.2016, the applicant entered into the house of the victim while she was sleeping and was trying to touch. When she woke up, she could recognize and raised alarm and thereafter the applicant fled away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the applicant & victim both are neighbour and some dispute was existing in between, therefore, false allegations have been made. He further submits that the

charge sheet has been filed and no further investigation is required, 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 and the documents. Considering the facts and circumstances of the case, nature of offence & degree of allegation and further taking into fact that the charge sheet has been filed and the applicant is in jail since 16.09.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge