

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7251 of 2016

- Yusuf Ali Alias Noor Bob S/o Manjur Ali , Aged About 40 Years R/o Dal Sagar Out Post Belgahana Police Station Kota District Bilaspur Chhattisgarh At Present Kududand Bilaspur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Incharge Police Station Civil Line Bilaspur Chhattisgarh

---- **Respondent**

For Applicant : Mrs. Usha Chandrakar, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-11-2016

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 on 14-8-2016 in connection with Crime No. 481 of 2016, registered at Police Station Civil Line, Bilaspur, District Bilaspur (CG) for the offence punishable under Section 354-A of the IPC and Section 6 of Chhattisgarh Tonahi Pratarna Nivarana Act, 2005.
2. Case of the prosecution, in brief, is that the applicant used witchcraft in the name of curing in the house of the victim girl and extended threat that in case she is not treated then she will become mad. In a consequence, on 6-8-2016 at 11 0' clock in the night the applicant called the victim girl in the room, caught hold of her hands and asked her to develop physical relation with him and thereby tried to outrage her modesty.

3. Learned counsel appearing for the applicant would submit that the dispute arose on account of payment of witchcraft and when the applicant asked money for payment of witchcraft, he has been falsely implicated in the case and no evidence is available against the applicant. It is further submitted that charge-sheet has been filed in this case, the applicant is in jail since 14-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of the victim girl.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 14-8-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

