

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7320 of 2016

Murlidhar Rajwade S/o Dhruwnarayan Rajwade, Aged About 25 Years R/o Village Darhora, P.S. Chandora (Wrongly Mentioned As Chadora) District Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Ajak Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No.153 of 2016 registered in Police Station- Ajak, District -Surajpur (C.G.) for the alleged commission of offence under Sections 363, 366-A, 354-A(1), 354-D, 341, 323/34 of IPC, Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act, 1989 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the co-accused Dhaniram while going on motorcycle, outraging modesty of the prosecutrix by dragging her with an intention to take her away stating that he loves her. The allegation against the applicant is that while Dhaniram was engaged in outraging modesty of the prosecutrix, the applicant was driving the motorcycle, in which, Dhaniram was sitting.

3. Learned counsel for the applicant submits that as far as the applicant is concerned, he has not done any overt act towards outraging modesty of the prosecutrix. He further submits that in the circumstances of the case when the allegation is against co-accused, investigation being complete and charge-sheet filed, the applicant may be granted bail.
4. On the other hand, learned counsel for the State has opposed the bail application and submits that the applicant facilitated commission of crime as he was driving the motorcycle in which, co-accused Dhaniram was sitting to outrage the modesty of the prosecutrix.
5. Considering the aforesaid submissions of learned counsel for the parties, nature and extent of overt act alleged to have been committed by the applicant and that the allegation of outraging modesty against co-accused and also taking into consideration the statement of the prosecutrix recorded under Section 164 of Cr.P.C. and that the investigation is complete, charge sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge