

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7773 of 2016

Maksudan @Dauwa Kumhar S/o Late Jethuram Aged About 26 Years R/o
Nayara Jagatpur, Dimrapur, Raigarh, Tahsil & District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station City
Kotwali, District- Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashish Gupta, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

15/12/2016

Heard.

1. The applicant has been arrested in connection with Crime No.638 of 2016 registered in Police Station- City Kotwali, District Raigarh for the alleged commission of offence under Section 354 of IPC and Section 16 & 17 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that when the prosecutrix standing outside her house in the evening at about 5:00 p.m., the applicant reached there and offered the prosecutrix to come along with him and caught hold of wrist and attempt to drag her towards the road.
3. Learned counsel for the applicant submits that looking to the nature of allegation, it is a case of false implication of the applicant and that investigation is complete, charge-sheet has been filed and that the applicant has no criminal antecedent, therefore, the application may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the overt act of catching hold of the prosecutrix by dragging her towards the road with intention to outraging modesty, a prima facie case of offence under Section 354 of IPC is also made out and Section 16 & 17 of the POCSO Act which provided for minimum sentence, therefore, the applicant is not entitled for grant of bail.

5. Considering the submission, nature of overt act, period of detention 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