

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8119 of 2016

- Rakesh Dahriya S/o Shri Ram Ji Dahariya Aged About 21 Years R/o Village Kandkera, Thana Rajim, District Gariyabandh Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through, Police Station Rajim, District Gariyabandh Chhattisgarh

---- **Respondent**

For Applicant : Mr. Akhilesh Kumar, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-12-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 16-8-2016 in connection with Crime No. 172 of 2016 registered at Police Station Rajim, District Gariyabandh (CG) for the offence punishable under Sections 406 and 354-B of the IPC.
2. Case of the prosecution, in brief, is that on 14-8-2016 when husband of the victim girl had gone to other village, at that time she went to answer the call of nature and while she was coming inside the house, the applicant came behind her, caught hold of her hands, thereafter took her to room and made her lie and tried to take out her garments. When she resisted, the applicant fled away from the spot and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, she was a consenting party and when the incident was seen by other person, a report has been made. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 16-8-2016 and no further investigation is necessary, therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the victim girl.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations and degree of offence and further considering the fact that charge-sheet has been filed, the applicant is in jail since 16-8-2016, I am inclined to release the applicant on bail.
8. Accordingly, the 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 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju