

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8107 of 2016

- Someshwar Das Manikpuri S/o Amardas Tandan Aged About 37 Years R/o Karmachari Colony, Simga, Police Station Simga, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Simga, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2016

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 18-10-2016 in connection with Crime No. 289 of 2016 registered at Police Station Simga, District Baloda Bazar – Bhatapara (CG) for the offence punishable under Sections 452, 354, 323 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the victim girl that on 17-10-2016 while she was in the kitchen, at that time, the applicant entered into kitchen and caught hold of her hands. Thereafter husband of the victim girl tried to intervene and after resistance of the victim girl, the applicant fled away from the spot and thereby tried to outrage her modesty.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and he has not

committed any offence. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 18-10-2016 and no further investigation MCRC No 8107 of 2016 (copy) 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 statements of the victim girl recorded under Sections 161 and 164 of the Cr.P.C.
7. Taking into consideration all the facts and circumstances of the case and further considering the statements of the victim girl, without further observation on the mMCRC No 8107 of 2016 (copy) merits of the case, 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