

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8258 of 2016

Bholaram S/o Motilal Sonle Aged About 19 Years R/o Village Bhareli, Police Station Pandatarai, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pandatarai, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. G.A.

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

Order On Board

20/12/2016

Heard.

1. The applicant has been arrested on 03.11.2016 in connection with Crime No.112 of 2016 registered in Police Station- Pandatarai, District Kabirdham for the alleged commission of offence under Section 456, 354-A of IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant entered the house of the prosecutrix in the night and caught hold of her wrist stating her that he would be coming with marriage proposal next day.
3. Learned counsel for the applicant submits that except the over act of the applicant catching hold of wrist of the prosecutrix and stating her that he would be coming with marriage proposal next day, no other overt act has been done. He further submits that as 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, therefore, he may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that the offensive manner in which the applicant entered the house of the prosecutrix, makes out a case of commission of offence under Section 354-A of IPC, therefore, the applicant is not entitled for grant of bail.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the nature and extent of overt act and that the applicant is in jail since 03.11.2016, investigation is complete and charge sheet has been filed and there is no material to show that in the event of grant of bail, the applicant is not 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