

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8223 of 2016

- Ramdhani Ram @ Dhaniram Rajwade S/o Phoolsai Rajwade Aged About 26 Years Caste Rajwar, R/o Village Jarhi, Police Station Bhatgaon, District Surajpur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station A.J.A.K. Surajpur, District - Surajpur Chhattisgarh

---- **Respondent**

For Petitioner : Shri Shakti Raj Sinha, Advocate
For Respondent/State : Shri D.R. Minz, Dy.GA

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

Order On Board

19/12/2016

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.153/2016 registered at Police Station AJAK, Surajpur, District Surajpur for the offence punishable under Section 363, 366-A, 354-A(1), 354(D), 341, 323/34 of IPC, Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. Case of the prosecution is that when the prosecutrix was going on a road, the applicant along with co-accused came on a motorcycle and attempted to drag her away along with him and also attempted to kiss her.

4. Learned counsel for the applicant submits that the allegations of the prosecutrix against the applicant are exaggerated. It is also submitted that there may be a case of teasing but allegation against the applicant is only that he

attempted to kiss nothing more.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the manner, in which, the applicant dragged the prosecutrix while going on a motorcycle and attempted to kiss her, a prima facie case is made out against the applicant and looking to the minimum sentence awarded under the alleged offence, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature and extent of overt act alleged to have been committed by the applicant and considering the fact that the co-accused **Murlidhar Rajwade** has already been granted bail by this Court vide order dated 22-11-2016 passed in M.Cr.C.No.7320/2016, and also considering that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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