

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 483 of 2017

Gopal Sahu S/o Santuram Sahu, Aged About 40 Years R/o Damakheda,
Police Station Simga, District Bhatapara Balodabazar Chhattisgarh

---- **Petitioner**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Tendukona, District Mahasamund Chhattisgarh

---- **Respondent**

Shri Vikash Pradhan, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

Heard.

The applicant has been arrested in connection with Crime No.70/2016 registered at Police Station – Tendukona, District - Mahasamund (CG) for alleged commission of offences under Section 509 of IPC and Section 11(4)/12 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant used to make mobile calls to the prosecutrix and insisted her to marry as also making indecent conversation.

3. Learned counsel for the applicant submits that the call details by itself are not sufficient to prove the contents of conversation. It is submitted that all the allegations are alleged to have been made only on mobile and there is no allegation that applicant caught hold of the prosecutrix or did anything. It is submitted that investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses. Therefore, he may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the manner in which the applicant used to make calls and used indecent and obscene languages, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the extent of overt act and that charge sheet has been filed and applicant is in jail since 24/11/2016, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. 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 Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge