

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 745 of 2017**

Shivprasad @ Padhu Choudhary S/o Nandu Ram Choudhary, Aged About 24 Years R/o Magar Doda, Shikari Road, Bauripara, Ambikapur, District- Sarguja Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Ambikapur, District- Sarguja Chhattisgarh.

**---- Respondent**

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| For Applicant        | : | Shri Jitendra Shrivastava, Advocate      |
| For Respondent/State | : | Shri Chandresh Shrivastava, Panel Lawyer |

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

**Order On Board**

**13/02/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.296/2016 registered at Police Station- Ambikapur, Distt. Sarguja (C.G.) for the offence punishable under Sections 354, 294, 506, 323/34 of Indian Penal Code and Section 7 & 8 of the POCSO Act.
2. As per the prosecution case, on 08.05.2016 when the prosecutrix went to answer the call of nature, at that time, the applicant came there and caught hold of the hand of the prosecutrix and tried to drag her and on being refused and on intervene by the mother and father of the prosecutrix, the applicant assaulted them alongwith the other co-accused; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that due to some old animosity, the applicant has been falsely implicated and no offence has been committed. He further submits that the charge sheet has been filed and the applicant is in jail since 18.06.2016, therefore, he may be released on bail. Learned counsel

for the applicant also submits that the co-accused Bablu @ Beerbahadur Choudhary has already been granted bail by this Court on 17.8.2016 in MCRC No.4419 2016.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim. Considering the statement, nature of offence and degree of allegation and the fact that the charge sheet has been filed and the applicant as he is in jail since 18.06.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

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