

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1031 of 2017

Dhaneshwar S/o Santosh Goswami, Aged About 19 Years Caste Bairagi,
R/o Village Devpura, Police Station Gandai, District Rajnandgaon
Chhattisgarh **---- Applicant**

Versus

The State Of Chhattisgarh Through Police Station Gandai, District
Rajnandgaon Chhattisgarh **---- Respondent**

For Applicant	:	Shri Vikram Singh, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

21/02/2017

Heard.

1. The applicant has been arrested in connection with Crime No.223 of 2016 registered in Police Station- Thana-Gandai, Rajnandgaon (C.G.) for the alleged commission of offence under Sections 354 of IPC and Section 4, 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant outraged the modesty and also committed act of sexual assault on the prosecutrix, who is minor in age.
3. Learned counsel for the applicant submits that on exaggerated false allegation, the applicant has been arrested. He submits that the prosecutrix has now been examined before the Court and except alleging that the applicant pushed her, due to which, she fell down, no other allegation of outraging modesty has been made against him. Therefore, at this stage, when the prosecutrix has been examined, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes prayer for grant of bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has been examined and further taking into consideration the argument that excepting prosecutrix being pushed, no other allegation of outraging modesty has been made in her Court statement, 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