

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1393 of 2017

Bhagirathi Jaiswal S/o Late Jhaduram Jaiswal Aged About 43 Years R/o
Quarter No. 143, Type-A, Sector-5, Balco Nagar, Korba, Tehsil & District-
Korba, Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station-
Kotwali, District- Korba, Chhattisgarh **---- Respondent**

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Respondent/State	:	Shri Aditya Sharma, PL

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

Order On Board

06/03/2017

Heard.

The applicant has been arrested in connection with Crime No.487 of 2016 registered in Police Station-Kotwali, District -Korba (C.G.) for the alleged commission of offence under Sections 354 (A) (1) of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant touched private parts of the prosecutrix with intent to outrage her modesty.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he has done nothing against the prosecutrix. It is submitted that number of important prosecution witnesses as well as her mother and father, all have been examined in the Court and none of them have supported the case of the prosecution and the prosecutrix has stated in her statement that the applicant did not commit any such act of outraging modesty except that she was scolded by teacher.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of allegation and that many other prosecution witnesses are yet to be examined, the applicant may not be granted bail at this stage.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission that prosecutrix, her mother and father have not supported the case of the prosecution, turned hostile and further taking into consideration that the prosecutrix and two other important prosecution witnesses have already been examined 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