

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2298 of 2017

- Prakash S/o Naresh Satnami, Aged About 25 Years R/o Village Sarda, Thana Berla, District Bemetara Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Thana Berla, District Bemetara Chhattisgarh

---- Respondent

For Petitioner	:	Shri Sameer Singh, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/05/2017

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.03/2017 registered at Police Station Berla, District Bemetara for the offence punishable under Section 354, 294, 506, 323/34 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant with an intention to outrage the modesty of the prosecutrix, caught hold her hand. It is also alleged that the applicant assaulted the prosecutrix.

4. Learned counsel for applicant submits that the investigation is complete, charge sheet has been filed and the applicant is in jail for the last four months. He submits that looking to the totality of the case, at this stage, the applicant may be granted bail by imposing appropriate conditions.

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 caught hold the hand of the prosecutrix, prima facie makes out a case of commission of offence against the applicant. He lastly submitted that looking to the stringent provisions under the law, 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 further that the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.

8. 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. It is made clear that in case, there is any further allegation of the prosecutrix and her family members of act of threat or tampering, bail granted to the applicant shall be liable to be cancelled.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E