

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7076 of 2017

Jaleshwar Sahu S/o Dhanaram Sahu Aged About 43 Years R/o Bhilai , Police Station Jarhagaon District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jarhagaon, District Mungeli Chhattisgarh.

---- Respondent

For Applicant	:	Shri P.P. Sahu, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

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

Order On Board

14/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.24 of 2017 registered at Police Station- Jarhagaon, District -Mungeli (C.G.) for alleged commission of offence under Sections 456, 354, 323 IPC and Section 3 (1) (x), 3 (1) (b) (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that the applicant entered the house of the prosecutrix with intention to outrage her modesty.
3. Learned counsel for the applicant would submit that allegations are not only false but improbable that the applicant would go and tell the husband of the prosecutrix that he wanted to outrage modesty of the prosecutrix. He would further submit that the investigation is complete, charge sheet has been filed and the applicant is in jail since 1.2.2017, therefore, at this stage, the applicant may be released on bail
4. On the other hand, learned counsel for the State, opposing the bail

application, submits that in view of the statement of the prosecutrix recorded under Section 164 Cr.PC., a prima facie case is made out that the applicant entered the house of the prosecutrix and insisted her husband to allow him to outrage her modesty.

5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature of allegation and that the applicant is not alleged to have actually touched or caught hold of the prosecutrix and looking to his pre-trial detention and that trial is not complete, 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.25,000/- 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