

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7033 of 2017

Sheshnarayan S/o Gopal Satnami, Aged About 19 Years R/o Village Tila,
Outpost Champaran, Police Station Gobra Nayapara, District Raipur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Chhura, District Gariyaband, Chhattisgarh

---- Respondent

Shri B.L.Sahu, counsel for the applicant/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/12/2017

Heard.

The applicant has been arrested in connection with Crime No.113/2017 registered at Police Station – Chhura, District - Gariyaband (CG) for alleged commission of offences under Section 354, 341, 323 of IPC and Section 8 of the POCSO Act.

2. Case of the prosecution is that the applicant outraged the modesty of the prosecutrix who is stated to be minor.

3. Learned counsel for the applicant argued that even if the statement of the prosecutrix is taken as it is, essential ingredients of commission of offence under Section 354, 341, 323 of IPC are not made out as the intention to outrage modesty is not discerned from the alleged criminal overt act of the applicant and it is a simple case of quarrel. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the manner in which the applicant assaulted the prosecutrix, *prima*

facie case is made out and he is a habitual offender and earlier also, offence has been registered against the applicant on the allegation of commission of offence under Section 354, 341, 323 of IPC. Therefore, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, statement of the prosecutrix, genesis of altercation and scuffle between the applicant and the prosecutrix and that the applicant is in jail since 11/09/2017, investigation is complete, charge sheet has been filed, applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on 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 Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

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