

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7169 OF 2017

Ashraf Memon, age about 17 years, S/o Mohd. Yasin, R/o Shukrawari Bazar, in front of Municipal Corporation Hospital, P.S. Gudhiyari, District (Revenue & Civil) Raipur (C.G.)

... Applicant

versus

State of Chhattisgarh, through Station House Officer, Police Station Gudhiyari, District Raipur (C.G.)

... Respondent

For Applicant	:	Mr. Yogesh Pandey, Advocate.
For Respondent-State	:	Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 18.9.2017 in connection with Crime No.252/2016 registered at Police Station-Gudhiyari, District Raipur, for the offence punishable under Sections 354, 506 of IPC and Section 8 of the POCSO Act, 2012.
2. Allegation against the Applicant as per the prosecution case is that the Applicant is said to have stopped the complainant-victim on the middle of the road and wanted the victim girl to talk with him and for which he is also said to have caught hold of her hand. Further allegation is that the victim had been followed and harassed by the Applicant for about one year.
3. Learned Counsel for the Applicant submits that the Applicant in the instant case is a young boy aged around 19 years and that he has already remained in custody for a period of about three months and the nature of complaint also does not seem to be a severe case and therefore the Applicant may be released on bail.

4. Learned Counsel for the State however opposing the bail application submits that the Applicant is said to have been harassing the complainant for quite some time and on the date of incident also he is said to have forcefully caught hold her hand and tried to outrage her modesty and therefore he does not deserve to be released on bail.

5. In the given facts and circumstances, considering the age of the Applicant and the period of custody undergone by him, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the bail application is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge