

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 93 of 2017

Chhandan @ Chandan Das S/o Misri Das, Aged About 28 Years R/o Village Sundarpur, (Lodhima) Plice Chowki Manipur, Police Station Ambikapur District Surguja Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Shri V. K. Pandey, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

25/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No.804 of 2016 registered in Police Station- Ambikapur, Revenue District -Balrampur, Civil District- Surguja (C.G.) for the alleged commission of offence under Sections 354, 294 and 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant outraged modesty of the prosecutrix and threatened her. It is further case of the prosecution that the prosecutrix is minor less than 18 years of age.
3. Learned counsel for the applicant submits that earlier similar allegation was made against the applicant and he was tried for alleged commission of offence under Section 376 IPC in S.T. No.18/2015 before the Additional Sessions Judge, Pratappur and was acquitted vide judgment dated 26.11.2015. Referring

to the statement of the prosecutrix recorded in that case, learned counsel for the applicant submits that what has been stated by the prosecutrix now before the Magistrate in her statement under Section 164 Cr.P.C., is completely belied by her Court's statement earlier made in the criminal case. He submits that again, a false accusation is now being made only to ensure that the applicant is sent behind the bar.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that though in the earlier case, the applicant was acquitted of the charges, in the present case, offence have been registered on the basis of a new incident which happened on 16.11.2016 when prosecutrix alleges that the applicant insisted her to go along with him to live as his wife and also threatened her.
5. Having considered the submissions made by learned counsel for the parties, taking into consideration the background of dispute between the parties that the applicant has earlier been acquitted of the allegations made by the same prosecutrix and that prosecutrix has again made allegation against the applicant, I am inclined to enlarge the applicant on bail as the investigation is complete and charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses.
6. The application is accordingly allowed. 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.
 - (iii) If the applicant makes any attempt to meet the prosecutrix in any manner, the bail granted to the applicant may be cancelled.

Certified copy as per rules.

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