

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1613 of 2017

- Vishal Gupta S/o Gajanand Gupta, Aged About 18 Years Occupation Study, R/o Village Sishu Mandir Gali Pathalgaon, Thana Pathalgaon, District Jashpur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Pathalgaon, District Jashpur, Chhattisgarh.

---- Respondent

For Petitioners : Shri Sanjay Agrawal with Ms. Reena Singh, Advocates
For Respondent/State: Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/03/2017

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.21/2017 registered at Police Station Pathalgaon, District Jashpur for the offence punishable under Section 354(A) of IPC and Section 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that while the prosecutrix was going towards her school, the applicant intercepted and offered Chocolate, which was an attempt to outrage the modesty.

4. Learned counsel for the applicant submits that in so far as the present applicant is concerned, he has been falsely implicated. Even according to the prosecution story, the applicant has been made accused only on the basis of conjecture and surmises. It is lastly submitted that at this stage, the applicant is not likely to abscond or tamper with the prosecution witnesses, he may be

granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that presently the investigation is going on and charge sheet has not been filed, therefore, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 of Cr.P.C. before the Magistrate and the nature and extent of allegation, in the absence of there being any further need of custodial interrogation of the applicant, the application is allowed.

7. 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.

SD/-

(Manindra Mohan Shrivastava)

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