

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6181 of 2017

Sunil Daulatni S/o Late Kamaldas Daulatani, Aged About 45 Years R/o Street No. 5, Police Station Telibandha, Raipur District Raipur Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, Raipur District Raipur Chhattisgarh.

---- **Respondent**

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

08/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.331 of 2017 registered at Police Station- Telibandha, Raipur, Dist. Raipur (C.G.) for the alleged commission of offence under Section 354 of IPC and Section 7 & 8 (wrongly mentioned as Section 4 & 8 of POCSO in cause title) of the Protection of Children From sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant outraged the modesty and subjected to sexual harassment to prosecutrix, who is minor in age.
3. Learned counsel for the applicant would submit that the allegations against the applicant are exaggerated in nature. He would submit that the prosecutrix has now been examined during trial and she has not supported the case of the prosecution and turned hostile and she is clearly stated that the applicant did not indulge in any unwarranted activity with the prosecutrix.

4. On the other hand, learned State counsel opposes the prayer and submits that looking to the nature and gravity of offence, the applicant may not be granted bail.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has been examined during trial and submission that the prosecutrix has not supported the case of the prosecution, turned hostile and stated that the applicant did nothing wrong to her and the applicant is not likely to abscond or tamper with the prosecution witnesses, 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