

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8447 of 2016

- Tejeshwar Kumar Yadav @ Chotu S/o Mahesh Aged About 19 Years R/o - Village Semri, P. S. Darbar Mokhli Police Station Patan, District Durg Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through : Station House Officer, Durg, District Durg Chhattisgarh

---- Respondent

For Petitioner	:	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy.AG

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

Order On Board

02/01/2017

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.130/2016 registered at Police Station Patan, District Durg for the offence punishable under Section 354, 457 of IPC and Section 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant entered into the house of the prosecutrix and caught hold of the wrist of the prosecutrix with an intention to outrage her modesty.

4. Learned counsel for the applicant submits that the allegation leveled against the applicant is false and fabricated. It is submitted that the prosecutrix and the applicant were in affair and the only alleged overt act said to have been committed by the applicant is that he caught hold of the wrist of the prosecutrix and except this, there is no allegation against the applicant.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the applicant entered into the house and caught hold of the wrist of the prosecutrix with an intention to outrage her modesty, therefore, looking to the nature and gravity of allegation against the applicant, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature and extent of alleged overt act and further taking into consideration that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses and also the period of pre-trial detention 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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