

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.612 of 2017

- Kushal Dewar S/o Tiharu Das, Aged About 25 Years R/o Ward No. 11 Bagbahra, Police Station & Tahsil Bagbahra, District Mahasamund Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bagbahra, District Mahasamund Chhattisgarh

---- **Respondent**

For Petitioner : Shri Vikash Pradhan, Advocate
For Respondent/State: Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

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.170/2016 registered at Police Station Bagbahra, District Mahasamund for the offence punishable under Section 354, 509 of IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant outraged the modesty of the prosecutrix by catching hold of her wrist while she was going to home on way.

4. Learned counsel for the applicant submits that there are lot of dispute between the family of the prosecutrix and the applicant's family and number of allegations and counter allegations have been levelled, therefore, the applicant has been falsely implicated in this case.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that according to statement of the prosecutrix recorded

under Section 164 Cr.P.C., while she was going to home, the applicant came on a motorcycle with co-accused and caught hold her wrist and uses filthy language.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature and extent of overt act alleged against the applicant and that custodial interrogation of the applicant does not appear to be necessary, 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. It is also directed that if there is any allegation against the applicant misusing liberty by pressurizing or compelling the prosecutrix to act against her wishes, bail granted to the applicant shall be liable to be canceled.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E