

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 707 of 2017

1. Ziaul Haq, S/o. Najmuddin Khan, aged about 26 years, R/o. Nayapara (Rajim), Ward No.5, Indira Market, Police Station – Godra, Rajim, Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Arjunda, District – Balod (C.G.)

---- Respondent

For Applicant : Mr. Adil Minhaj, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.284/2016, registered at Police Station – Arjunda, District – Balod (C.G.) for the offence punishable under Section 507, 506, 451, 354(A) (i) (ii), 509 of Indian Penal Code and Section 67 & 67-A of Information Technology Act.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 18.10.2016 that in between 16.08.2016 to 28.09.2016, the prosecutrix was receiving certain call on her mobile and abused. Subsequently, in between 15.08.2016, the present entered into the house of the prosecutrix and asked for sexual flavour and tried to outrage the modesty of prosecutrix and also the

video was recorded which was subsequently made viral. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, charge-sheet in this case has been filed and no further investigation is necessary, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents as also the statement of the victim. Considering the degree of allegation made against the present applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 28.11.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge