

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1284 of 2017

- Lalit Sahu S/o Tilak Sahu, Aged About 24 Years R/o Banjari Nagar, Ranwabhatha Police Station Khamtarai, Raipur District Raipur Chhattisgarh
--- Applicant

Versus

- State of Chhattisgarh through the Station House Officer Police Station Khamtarai, Raipur, District Raipur Chhattisgarh
--- Respondent

For the applicant	:	Mr. Goutam Khetrapal Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 04 of 2017 registered at Police Station Khamtarai, Raipur, Distt. Raipur (C.G) for the offence punishable under Sections 450, 354, 376, 511 of IPC.
2. As per the prosecution case, a report was made on 02.01.2017 that on 01.01.2017 the applicant entered into the house of prosecutrix while she was sleeping and pressed her breasts and thereby tried to outrage her modesty. It is also alleged that when she raised alarm, the applicant fled away.
3. Learned counsel for the applicant would submit that it is a case of consent; the prosecutrix is a major girl and there were other inmates in the room where she was sleeping at the time when the offence is alleged to have been

committed, therefore, it would be improbable that the offence has been committed in presence of other inmates. He further submits that the charge sheet has been filed and the applicant is in jail since 02.01.2017, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statements of the the victim girl recorded u/ss 161 & 164 of Cr.P.C.
6. Considering the nature of allegations and the fact that the charge sheet has been filed and the applicant is in jail since 02.01.2017, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**