

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1115 of 2017

1. Irshad Ahmad Ansari @ Monu, S/o. Jahil Ahmad Ali, Aged About 28 Years, R/o. Gaurela, Tikarkala, Ward No. 13, Police Station -Gaurela, District -Bilaspur, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station Gaurela, District Bilaspur, Chhattisgarh, As Per The Charge Sheet (Police Station -Pendrabad is wrongly mention in the order).

---- Respondent

For Applicant	: Mr. Suresh Kumar Verma, Advocate
For Respondent/State	: Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/03/2017

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.365/2016, registered at Police Station – Gaurela, District – Bilaspur (C.G.) for the offence punishable under Section 451, 323, 354, 506 of Indian Penal Code and Section 3 (1) (10) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that a report was made by the victim alleging that on 31.12.2016 at about 5 o'clock, the applicant entered into the house of the complainant/victim, caught hold of her hand and tried to outrage the modesty and having objected, abused and assaulted the victim and her sister. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and on trivial dispute, the report

has been made, charge-sheet in this case has been filed, the applicant is in jail since 01.01.2017 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 and the statement of the victim. Considering the facts and circumstances of the case, the nature of allegation and the fact that charge-sheet in this case has been filed and the applicant is in jail since 01.01.2017, this Court is of the opinion that present is a fit case, in which, the applicant 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge