

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1423 of 2017

Ghanshyam Kashyap, S/o. Santos Kashyap, Aged About 32 Years, R/o. Kandra, Chauky Pantore, Police Station-Baloda, District Janjgir-Champa, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : AJK Police Station, Janjgir, District -Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Singh, Advocate
For Respondent/State	: Mr. Samir Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/03/2017

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.108/2011, registered at Police Station – AJK, Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Section 354, 509 of Indian Penal Code and Section 3 (1) (10) of S.C. & S.T. Act.
2. As per the prosecution case, a report was made by the victim on 29.11.2011 that while she was working in Mill, the applicant entered there and caught hold of her, pressed her breast and asked for sexual favour, when she objected two other persons came thereafter, the applicant fled away. Thereafter the charge-sheet was filed and the applicant remained absconded and the applicant was arrested on 30.01.2017.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no offence has been

committed. It is further submitted that the applicant had went to earn his livelihood outside of the state Jammu-Kashmir, thereafter, when he came back he was arrested. It is further submitted that charge-sheet has been filed and six witnesses have been examined, and four witnesses remained to be examined, therefore, the counsel prays that 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 statement of the victim. Considering the facts and circumstances of the case, the degree of allegation levelled against the applicant, charge-sheet in this case has been filed and the applicant is in jail since 30.01.2017, 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