

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1486 of 2017

Thakurram @ Kriparam Diwan S/o Shri Sakharam Diwan, Aged About 35 Years R/o Village Salihabhanta, Thana Pateva, Civil & Revenue District Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pateva, Civil & Revenue District Mahasamund Chhattisgarh

---- Respondent

Shri Sunil Sahu, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/03/2017

Heard.

The applicant has been arrested in connection with Crime No.210/2016 registered at Police Station – Pateva, District – Mahasamund (CG) for alleged commission of offences under Section 354 of IPC and Section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant outraged the modesty of the prosecutrix stated to be less than 18 years of age.

3. Learned counsel for the applicant submits that the applicant is in jail since 01/11/2016 and during the trial, now, the prosecutrix has been examined and she has not supported the case of the prosecution and turned hostile and except the applicant hurling abuses, no other allegation has been made against the applicant much less outraging modesty. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that presently, the trial is going on and many other prosecution witnesses

are yet to be examined. Therefore, the applicant may not be granted bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the important prosecution witness, the prosecutrix, has already been examined and has not supported the case of the prosecution and has denied that her modesty was outraged by the applicant and that the applicant is not likely to tamper with the prosecution witnesses or flee away from justice, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for 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 from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge