

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1986 of 2017

Surendra Singh Rathiya @ Santosh, S/o. Chinta Ram Rathiya, aged about 31 years, R/o. Alola Naka Quarter Chowk, Police Station – Kapu, District – Raigarh (C.G.). Present address : Assistant Teacher Panchayat Basnara Chowki Moharsop Police Station : Chandni, District – Surajpur (C.G.)

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station – Chandni, District – Surajpur (C.G.)

---- Respondent

For Applicant	: Mr. Ajeet Kumar Yadav, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/06/2017

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.4/2017, registered at Police Station – Chandni, District – Surajpur (C.G.) for the offence punishable under Section 354 of Indian Penal Code and Section 7-8 of Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that on 25.01.2017 while the victim was washing cloths at that time, the applicant came there and caught hold of her and pressed her breast and tried to outrage her modesty. 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 he is in jail since 15.02.2017. It is further submitted that 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 and statement of the victim. Considering the facts and circumstances of the case, the degree of allegation and the nature of offence and further taking into the fact that charge-sheet in this case has been filed and the applicant is in jail since 15.02.2017, 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)
Vacation Judge