

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 2381 OF 2017

Harihar Yadav S/o Maheshwar Yadav, aged about 37 years, by caste Mahakul, R/o Village Pandri Pani, Tukutola, P.S. & Tahsil Bagicha, Distt. Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Bagicha, Distt. Jashpur (C.G.).

---- Non-applicant

 For Applicant : Mr. Wasim Miyan, Advocate
 For Non-applicant : Mr. Anant Bajpai, P.L.
 For Objector : Mr. A.K. Prasad, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.57/2017 registered at Police Station- Bagicha, Distt. Jashpur (C.G.) for the offence punishable under Sections 354 of I.P.C. And Sections 8, 11 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 04/03/2017, the applicant tried to outrage the modesty of the minor girl and also assaulted her, for which, the First Information Report was lodged on 17/03/2017 and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant and victim's family have previous enmity and he has been falsely implicated in this case. He would further submit that the charge-sheet has been filed and no further investigation would be

necessary. He would lastly submit that the applicant is in jail since 17/03/2017 and he has not committed any offence, therefore, he may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail.
5. Perused the case diary and the evidence of victim and considering the degree of allegation. Taking into consideration the fact that the charge-sheet has already been and the applicant is in jail since 17/03/2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. It is further observed that the applicant shall not made any offer to influence the victim.

Certified copy as per Rules.

Sd/-

(Goutam Bhaduri)
Vacation Judge