

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2712 of 2017

- Abhishek Shrivastava @ Goldi s/o. Ramnarayan Shrivastava, aged about 18 years
r/o. FCI, Road, PS Tarbahar, Bilaspur (CG).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, PS Tarbahar,
District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Aadil Minhaj, Panel Lawyer

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 on 20-2-2017 in connection with Crime No. 44 of 2017, registered at Police Station Tarbahar, District Bilaspur (CG) for the offence punishable under Sections 354-A 2, 452, 323, 506 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 19-2-2017 when prosecutrix was going to her house, the applicant stopped her and tried to outrage her modesty and also tried to kiss her. When it was reported, the applicant had beaten the prosecutrix and her mother and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that the applicant and prosecutrix were in love relation and false allegations have been attributed to the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 20-2-

2017 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of prosecutrix.
7. Taking into consideration the facts and circumstances of the case, degree of allegations and further considering the statement of the prosecutrix and also further considering the fact that charge-sheet has been filed and the applicant is in jail since 20-2-2017, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju