

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5063 of 2017**

Raju Chouhan S/o Bhog Singh, aged about 34 years, Caste Gada, R/o Kerakachhar (Gorrapara), Police Station Patthalgaon, District Jashpur (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Patthalgaon, District Jashpur (Chhattisgarh).

---- Respondent

For Applicant	:	Shri C. Jayant K. Rao, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 109/2017 registered at Police Station Patthalgaon, District Jashpur (CG) for the offence punishable under Sections 294, 323, 354, 354(A), (I)(i) 457 of IPC. The applicant is in jail since 29.06.2017.

2. The allegation against the present applicant is that he is said to have entered into the house of the victim and tried to outrage her modesty. It is also alleged that the applicant on a different occasion also assaulted the victim and was constantly using abusive language to her.

3. Counsel for the applicant submits that so far as the allegation under Sections 354 & 354(A) is concerned, there is not much material available in the case diary and for the other offences, the applicant has already remained in custody for a period of about five months and therefore the applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the applicant is said to have abruptly entered the house of the victim and touched her cheeks with an intention to outrage her modesty. So far as the other offences are concerned, State counsel submits that there is an allegation of the applicant having repeatedly used abusive language and he had also pushed the victim and slapped on her face on 23.06.2017. Thus, prayed for rejection of the bail application.

5. Having considered the arguments put forth on either side and on perusal of the record, this Court finds that except for an incident where the applicant is said to have entered the house of the prosecutrix, there is no other allegation of the applicant ever trying to outrage the modesty of the victim. So far as the other offences are concerned, this court is of the opinion that the applicant has already remained in custody for a period of about five months as he is in jail since 29.06.2017. Considering the nature of allegation and the period of custody already undergone by the applicant, this Court is of the opinion that prima facie, a strong case for grant of bail is made out.

6. Accordingly, the application for grant of bail is allowed. 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 for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE