

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 5768 OF 2017

Pankaj Kumar Yadav, S/o Shri Takeshwar Yadav, Gram: Ghatbarra, Thana: Udaipur, District: Surguja (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Station Udaipur, District Surguja (C.G.)

... Respondent

For Applicant	:	Mr. A.D. Shrivastava, Advocate.
For Respondent-State	:	Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 1.8.2017 in connection with Crime No.64/2017 registered at Police Station- Udaipur, District Surguja, for the offence punishable under Sections 452, 354-B, 506 of IPC and Sections 7 & 8 of the POCSO Act.
2. As per the prosecution, allegation against the Applicant is that he is said to have forcefully entered into the house of the complainant and caught hold of her hand and he is said to have also threatened her of her life and also threatened to her brother.
3. Learned Counsel for the Applicant submits that the present is a case where the offence under Section 354-B of IPC is not made out and that there is an old enmity between the applicant and the brother of the complainant, on account of which the complaint has been lodged.
4. Learned Counsel for the State however opposing the bail application submits that it is case where the Applicant had forcefully entered into the house of the complainant and with an intention to outrage her modesty and to disrobe her committed the offence of threatening her of her life by

catching hold of her hand and therefore considering the nature of offence the the Applicant does not deserves to be released on bail.

5. Having heard the submissions put forth on either side and on perusal of record, all that the averments made against the Applicant is of entering into the house of the complainant forcefully and to have caught hold of her hand and threatened her of her life and the threat given to her brother and except for that there is no other element whatsoever of asking the victim to get disrobe or to get naked with which the charge under Section 354-B of IPC could have been framed against the Applicant.

6. Considering the entire facts and circumstances of the case and also taking note of the period of custody already undergone by the Applicant, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge