

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6815 of 2017

- Vinod Kumar Tirky @ Nanu S/o Late Premlal, Aged About 20 Years, R/o Village Thihaipara, Koda Chowki, Police Station Jhagrakhand, District Korea, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Jhagrakhand, District Korea, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 14-09-2017 in connection with Crime No.146/2017 registered at P.S. Jhagrakhand, District Korea, C.G. for the offence under Section 341, 354(A), 354, 506 of the IPC and Section 8 of Protection of Children from Sexual Offences Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. There is no evidence of prosecution against the applicant to make out any case against him. The case is before the trial Court and trial is likely to take some time. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the complainant and other witnesses have clearly and categorically given statement

against the applicant about commission of the offence, hence, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Facts of the case are these that on the date of incident when the complainant was coming back after grazing her cattle, then the applicant obstructed her on her way and by using force on her body outraged her modesty and when the complainant raised her voice, she was threatened that she will be killed, thereafter on arriving of the witnesses on the spot the applicant fled away from there. On information given, the case has been registered against the applicant.

6. Considered on the submissions and contents of the case. It appears that the applicant is local resident of District Korea, his availability for trial can be ensured by imposing condition on grant of bail, the trial of the case is likely to take some time, hence, for these reasons, this Court is of the considered view that the applicant should be granted bail in the present matter.

7. Consequently, the application (MCRC No.6815/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge