

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1132 of 2017

1. Dhannulal Dhritlahre, S/o. Late Konda Dhratlhare, Aged About 47 Years, R/o. Village Bakarkuda, Out Post -Malhar, Police Station -Masturi, District -Bilaspur, Chhattisgarh .

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station Masturi, Out Post-Malhar, District -Bilaspur, Chhattisgarh .

---- Respondent

For Applicant	: Mr. R.K. Jain, Advocate
For Respondent/State	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/03/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.424/2016, registered at Police Station – Masturi, O.P.- Malhar, District – Bilaspur (C.G.) for the offence punishable under Section 452, 294, 506, 354, 323 R/w. Section 34 of Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet vide order dated 16.01.2017 in M.Cr.C. No.8190/2016.
2. As per the prosecution case, a report was made by the prosecutrix that on intervening night of 25-26/10/2016 over an allegation that some false report of murder was made for which a report was made and in order to take aveng, when the prosecutrix went out of her house to answer the call of nature at about 1.00 am, the applicant along with one co-accused caught hold of her and abused and also assaulted and

tried to outrage the modesty of the prosecutrix. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet and now the charge-sheet has been filed and no further investigation is necessary therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the statement of the prosecutrix. Considering the facts and circumstances of the case, the nature of allegation and degree of offence and further taking into the fact that charge-sheet in this case has been filed and the applicant is in jail since 10.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge