

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1299 of 2017

- Ajit Kumar Patel S/o Firanlal Aged About 18 Years R/o Village- Hathitikra, Chowki- Naila, Police Station- Janjgir, District- Janjgir- Champa, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Janjgir, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Vipin Singh, Advocate
For Respondent/State	:	Shri Sameer Behar, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/02/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.424/2016 registered at Police Station Janjgir, District Janjgir-Champa for the offence punishable under Section 354, 323 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. This is second application for grant of bail. The first application for grant of bail was dismissed as withdrawn on 15-11-2016.

4. Learned counsel for the applicant submits that in the present case, charge sheet has been filed and the applicant does not have any criminal antecedents. It is further submitted that looking to the nature of overt act alleged to have been committed by the applicant, the applicant may be granted bail as trial of the present case is likely to take some time and the applicant is in jail since 09-10-2016.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the applicant caught hold the prosecutrix and outraged the modesty in the field and looking to the nature of overt act alleged to have been committed by the applicant, he is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of overt act alleged to have been committed by the applicant and that the applicant is in jail since 09-10-2016 and he is not in a position to abscond or tamper with the prosecution witnesses, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(Manindra Mohan Shrivastava)

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