

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1443 of 2017

- Bharat Lal Meshram S/o Late Pooran Lal Meshram, Aged About 57 Years, R/o Village Golkumda, Tahsil Charama, Civil & Revenue District North Bastar Kanker Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh; Through The Police Station Charama, District Kanker Chhattisgarh.

---- Respondent

For Applicant	:	Shri P.K. Tulsyan, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/03/2017

1. Heard.
2. This is second bail application under Section 439 of Cr.P.C. The applicant has been arrested in connection with Crime No. 272/2016 registered in Police Station Charama, District Kanker (C.G.) for the alleged commission of offence under Sections 354 (B) of IPC and Section 42 of the Protection of Children for Sexual Offence Act, 2012.
3. Case of the prosecution, in brief, is that the applicant has outraged the modesty of prosecutrix, who is less than 18 years of age.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated by the prosecution. Applicant has been implicated only on the basis of suspicion, but the prosecutrix statement has been recorded under Section 164 of Cr.P.C. before the Magistrate in which, she has clearly stated that applicant did not do anything to her and charge-sheet has already been filed, therefore, at this stage applicant may be granted bail.
5. On the other hand, learned counsel for the State has opposed the bail application. He submits that looking to the nature and gravity of allegation the applicant may not be granted bail because he outraged the modesty of

the prosecutrix who is less than 18 years.

6. Having considered the submissions made by learned counsel for the parties, particularly the submission based on the statement of the prosecutrix under Section 164 of Cr.P.C. before the Magistrate that she has denied any act done by the applicant, investigation is complete, charge-sheet has been filed and the applicant is not likely to abscond or temper with the prosecution witnesses, I am inclined to enlarge the applicant on bail.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge