

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2105 of 2017

Siyaram Gandre S/o Sukhram Gandre, Aged About 46 Years R/o Sirsa Bhata, Thana Jewra, Bhilai 03, Tehsil Durg, Civil And Revenue District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Patan, Civil & Revenue District- Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Punit Ruparel, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/05/2017

Heard.

1. This is the second application for grant of bail to the applicant. His earlier bail application was dismissed as withdrawn.
2. The applicant has been arrested in connection with Crime No.22 of 2016 registered in Police Station- Patan, District-Durg (C.G.) for alleged commission of offence under Section 354 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (as mentioned in the charge sheet).
3. Case of the prosecution, in brief, is that the applicant entered the house of the prosecutrix. He had some discussion with the mother of the prosecutrix and it is alleged that when some dispute arose, the applicant outraged modesty of the prosecutrix who is minor in age.
4. Learned counsel for the applicant submits that the allegations of the prosecutrix are exaggerated because of the fact that the applicant and the mother of the prosecutrix had some altercation and dispute. The applicant is in jail since 11.3.2016 and till date, the prosecutrix has not been examined. He further

submits that in these circumstances, the applicant may be granted bail as he is not likely to abscond or in a position to tamper with the prosecution witnesses.

5. On the other hand, learned counsel for the State has opposed the bail application. He submits that the manner in which the applicant committed the offence, the applicant may not be granted bail as the prosecutrix has not been examined in the trial Court.
6. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the long detention of the applicant from 11.3.2016 and that the prosecutrix has not been examined and moreover taking into consideration the nature and extent of overt act alleged to have committed by the applicant, I am inclined to enlarge the applicant on bail.
7. The application is accordingly allowed. 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