

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2087 of 2017

Tirathram @ Raj S/o Manaram Ratrey, Aged About 23 Years R/o Gaydarha,
Police Station Kasor, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Bhatgaon,
District- Baloda Bazar - Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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 His earlier bail application was dismissed as withdrawn.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.175 of 2015 registered in Police Station- Bhatgaon, Baloda-Bazar- Bhatapara (C.G.) for alleged commission of offence under Sections 363, 354, 323 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant outraged modesty of the prosecutrix and slapped her also.
4. Learned counsel for the applicant submits that even according to prosecutrix's statement recorded under Section 164 Cr.P.C., she and the applicant had an affair and the nature and extent of overt act of the applicant does not amount to commission of offence, but appears to be a case of dispute between the parties.
5. On the other hand, learned counsel for the State has opposed the bail application. He submits that the act of the applicant in urging the prosecutrix to

have physical relation and thereafter slapping her makes out a prima facie case against the applicant.

6. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the pre-trial detention of the applicant from 18.12.2016 and the nature and extent of overt act and that charge sheet has been filed, the applicant is not likely to abscond or in a position to tamper with the prosecution witnesses, 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