

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2186 of 2017

- Chandra Vijay Bhardwaj S/o Girwar @ Gangaram Bhardwaj, Aged About 21 Years R/o Village- Akhrapali, Police Station Urga, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Urga, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Shri V.C. Ottalwar, Advocate
For State : Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2017

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. 255/2016 registered in Police Station Urga, District Korba (C.G.) for the alleged commission of offence under Sections 341, 232, 354 of IPC and Section 08 of the Protection of Children for Sexual Offence Act, 2012.
3. Case of the prosecution, in brief, is that the applicant intercepted the prosecutrix while going on road, with a view to kiss her.
4. Learned counsel for the applicant submits that the story of the prosecution is exaggerated and the applicant expressed his love in a descent manner only, therefore, applicant may be granted bail.
5. On the other hand, learned counsel for the State has opposed the bail application. He submits that overt act prima facie makes out offence under Section 354 of IPC and girl being 17 years, the offence under Section 8 of POCSO Act.
6. Having considered the submissions made by learned counsel for the parties,

taking into consideration the nature and extent of incident of overt act alleged against the applicant and that the investigation is complete, charge-sheet is filed, applicant is in jail since 17/12/2016 and the applicant is not likely to abscond or temper with the prosecution witnesses, I am inclined to enlarge the applicant on bail. The bail application is allowed.

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