

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2790 of 2017

Astar S/o Lohar Sai, Aged About 22 Years Occupation Labourer, R/o Village Kesla, Police Station & Tahsil Sitapur, District Surguja Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through The Station House Officer, Sitapur, District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, 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 repeat 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 His earlier bail application was dismissed as withdrawn.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.203 of 2016 registered in Police Station- Sitapur, District -Surguja (C.G.) for alleged commission of offence under Sections 452, 354, 323 IPC and Section 9 (i) and 10 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant entered the house of the prosecutrix and abused her in a state of drunkenness.
4. Learned counsel for the applicant submits that the allegation are not made out because the prosecutrix has now been examined during trial and she has stated that the applicant came in front of her house in a state of drunkenness and was creating noise and further, in the cross examination, she has admitted that the applicant did not enter her house nor made any attempt to outrage her modesty.
5. On the other hand, learned counsel for the State has opposed the bail

application. He submits that looking to the nature of allegation and the prosecutrix's statement, the applicant may not be granted bail.

6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the prosecutrix has been examined and considering the nature and extent of overt act alleged to have been done 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