

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5282 of 2017

Bhupendra Bhaskar @ Anna, S/o. Sawaldas Bhaskar, Aged About 20 Years, R/o. Araiband, P.S. Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31.08.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.38/2017 registered at Police Station- Takhatpur, District Bilaspur (C.G.) for the offence punishable under Sections 456, 354 of I.P.C. & Section 7, 8 of POCSO Act.
2. Case of the prosecution, in brief, is that an FIR was lodged on 30.01.2017 that on 29.01.2017 the applicant entered into house and caught hold of the victim and tried to outrage her modesty and when she tried for help, he fled away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and as per the information received the victim has breathed her last, which would be evident from theailable warrant issued to the victim as a witness. He further submits that the applicant is in jail since 30.01.2017, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim. Considering the degree of allegation made and taking into fact that the applicant is in jail since 30.01.2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge