

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6776 of 2017**

Gayasuddin @ Chhotu Sheikh, S/o. Late Mohammad Shabbir Sheikh, aged about 22 Years, Occupation - Driver, R/o. Radhakrishan Ward No. 21, Kasai Mohalla, Kawardha, Police Station and Tahsil Kawardha, District Kabirdham Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kawardha, District -Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. D.C. Verma, Advocate

For Respondent/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.181/2017, registered at Police Station – Kawardha, District – Kabirdham (C.G.) for the offence punishable under Section 354, 509, 506, 294 of the Indian Penal Code and Section 7 & 8 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail

since 13.07.2017, charge-sheet has been filed after completion of investigation. Applicant is local resident of District – Kabirdham. Therefore, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is sufficient evidence against the applicant for his prosecution and he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that, the applicant used to follow, make indecent gesture for the purpose of outraging the modesty of the victim and also passed on a letter and threatened that he will defame her by posting her photographs in face-book and whatsapp, therefore, FIR has been lodged against him.
6. Considered the submission made and the contents of the case diary. Taking into consideration the facts and circumstances of the case and further taking into consideration the fact that charge-sheet in this case has been filed and the applicant is in jail since 13.07.2017 and he is local resident of District – Kabirdham, his appearance before the Court shall not be compromised, if he is released on bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram