

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1005 of 2018**

Ram Kumar Patel @ Dilkumar Patel, S/o. Thandhu Ram Patel, Aged About 21 Years, R/o. Village Odkakan, Police Station -Sarsiwa, District -Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Sarsiwa, District -Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

For State/respondent : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/04/2018**

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.282/2017, registered at Police Station – Sarsiwa, District – Baloda Bazar – Bhatapara (C.G.), for the offence punishable under Section 354 (A) of the Indian Penal Code and Section 3 (1) (Xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
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 10.01.2018. Charge-sheet in this case has been filed after

completion of investigation. Presently the case is before the trial Court and the trial of the case is likely to take sometime for its conclusion. Hence, prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of the incident on 17.11.2017, when the victim in this case came out of her house at about 9 PM in the night to urinate, it was at that time, the applicant caught hold of her hand and was pulling her towards the field and when the alarm was raised by the victim, the mother of the victim arrived on the spot, because of which, the applicant left the spot using abuse and filthy words for the victim and her mother and also used the words insulting the caste of the victim and her mother. The age of the victim is 15 years at the time of incident. Hence this case.
6. Considered on the submissions made and the contents of the case diary. As the charge-sheet in this case has been filed and the trial is likely to take sometime for its conclusion and the applicant is in jail since 10.01.2018. Further taking into consideration all the facts and circumstances of the case, 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