

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7972 of 2017

- Vijay Menon @ Vishnu S/o Balkrishna Menon, Aged About 33 Years, R/o Block No.1, Quarter No. 17, Housing Board Colony, Bhilai, Industrial Area, Jamul, Police Station Jamul, District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jamul, District Durg Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri S.A. Ansari, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

15-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 04-09-2017 in connection with Crime No.436/2017 registered at Police Station Jamul, District Durg, Chhattisgarh for the offence under Section 452, 354, 327, 294, 506, 325, 323 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The victim has given statement under Section 164 of the Cr.P.C. before the JMFC, in which, the allegation that was made in the FIR has been diluted substantially. The applicant is in jail since 04-09-2017. Charge sheet has been filed after completion of the investigation. The applicant is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the victim had made direct allegation against this applicant in the FIR lodged by her. Hence, the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, on the date of incident the applicant forced his entry into the house of the victim and demanded money for buying liquor and then he caught hold of the hand of the victim with intent to outrage her modesty. Injured Surendra Singh tried to intervene in this incident who was also assaulted and beaten by this applicant causing grievous injury to him. Hence, this case.

6. Considered on the submissions made and contents of the case diary.

7. Perused the statement of the victim before the JMFC under Section 164 of the Cr.P.C., argument submitted on behalf of the applicant finds some support from this statement. The applicant is in jail since 04-09-2017. No purpose would be served if the applicant is kept in detention till conclusion of the trial. Hence, for these reasons, I am of this view that the applicant should be released on bail in the present matter.

8. Consequently, the application (MCRC No.7972/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge