

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7304 of 2017

- Suraj S/o Vijay Soni, Aged About 25 Years R/o Beltumri, Chowki Auto, P.S. Nandghat, District Bemetara, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh

---- Respondent

For the Applicant : Ms. Indira Tripathi, Advocate.

For the Respondent/State : Shri Aditya Sharma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02.01.2018

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.257/2017, registered at Police Station – Nandghat District – Bemetara (C.G), for the offences under Section 354 of the Indian Penal Code and Section 3 (1) व (1) of SC, ST (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He is in jail since 24.10.2017. For these reasons that the applicant was beaten by father and brother of the complainant on account of which he sustained injuries, then applicant made clear his intention to lodge FIR against them, therefore, a false report was lodged by the complainant. After completion of investigation charge-sheet has been filed, the trial of the case is likely to take some time for its conclusion, no case is made out against the applicant, on the basis of the material presented by the prosecution, therefore, It is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that prosecutrix has made consistent statement against the applicant recorded under Section 161 and 164 of Cr.P.C. it is further submitted that the applicant has a criminal antecedent of Crime No. 203/2014 registered at PS- Nandghat for the offences under Section 341, 376, 506 B of the Indian Penal Code, hence, for these reasons applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The case against the applicant is this that on the date of incident the victim / complainant had been to answer the call of nature in toilet, but when she came out, all of a sudden, applicant caught hold the prosecutrix and tried to use force on her. On raising alarm the witnesses arrived and the applicant fled away from the spot.

6. Considering the submission made and contents of the case diary, no purpose would be served, if the applicant is kept in detention till the completion of the trial, this Court is of the opinion that this is a fit case, where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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 /-

(Rajendra Chandra Singh Samant)

Judge

Jamal