

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1787 of 2018

Rajesh Painkra S/o Birtu Painkra Aged About 20 Years R/o Village Mahora,
Tahsil Lundra, District Surguja, Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Gandhi Nagar, District Surguja, Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh

---- Respondent

Shri Jitendra Shrivastava, counsel for the applicant/s.

Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2018

1. The applicant has been arrested in connection with Crime No.246/2017 registered at Police Station- Gandhi Nagar, District - Surguja (C.G.) for alleged commission of offence under Sections 354, 354A of IPC and Section 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant made indecent proposals to the prosecutrix and attempted to caught hold of her.
3. Learned counsel for the applicant would submit that an exaggerated story has been made against the applicant whereas the applicant has not made any such overt act with the prosecutrix. He submits that looking to the extent of overt act alleged to have committed as stated by the prosecutrix herself in the report lodged by her in the police station, at this stage, he may be granted bail as he is not likely to abscond or tamper with the prosecution witnesses.
4. On the other hand, learned State counsel submits that in view of the allegations that the applicant caught hold of the hands of the prosecutrix and gave

an indecent proposal, prima facie case is made out which has been stated in her statement under Section 164 CrPC also.

5. Taking into consideration the period of detention of the applicant that he is in jail since last nine months, further considering the extent of alleged overt act and that even charges have not been framed till date, the application is allowed.

6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge