

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3037 of 2018**

Surajman Yadav @ Golai S/o Parmeshwar Yadav Aged About 33
Years R/o Village Ramnagar (Yadavpara), P. S. Bishrampur District
Surajpur Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station Bishrampur District Surajpur Chhattisgarh

----Non-applicant

For Applicant	:	Ms. Hamida Siddiqui, Advocate
For State	:	Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****30/05/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 16/2018 registered at Police Station Bishrampur, District Surajpur, Chhattisgarh for the offence punishable under Sections 354, 294, 506, 323 of Indian Penal Code and Section 8 of Protection of Children from the Sexual Offences Act and Section 3(2)(VA) of SC/ST (Prevention of Atrocities) Act.
2. The present applicant is in jail since 23.01.2018 in connection with the aforesaid Crime number.
3. As per the prosecution case the applicant outraged the modesty of the prosecutrix, who is said to be aged around 13 years and also is a tribal.
4. The counsel for the applicant submits that present case has been filed against the present applicant on false implication at the instance

of one Ganesh Jaiswal as stated by the prosecutrix herself in her testimony during trial. He further submits that, the father of the prosecutrix Gopal Ram has also not supported the case of the prosecution and emphatically stated that nothing happened to his daughter and thus the counsel for the applicant prayed for releasing the applicant on bail.

5. On the other hand, the State counsel opposing the bail application submits that, the statement of the prosecutrix in the Court at this stage may not be taken into consideration because the other witnesses are yet to be examined and looking to the nature of gravity of offence the applicant may not be granted bail.
6. Taking into consideration the submissions of the learned counsel for the parties, particularly taking into consideration the submission based on the testimony of the prosecutrix-PW/1 and her father-PW/2 and further the submission of false implication at the instance of Ganesh Jaiswal, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. 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 two local sureties in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(Manindra Mohan Shrivastava)
VACATION JUDGE