

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3126 of 2018

Sanat Yadav @ Lambu S/o Mohan Yadav Aged About 30 Years
R/o Ratnabandha, Dhamtari, District Dhamtari CG

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police of
Police Station Dhamtari, District Dhamtari CG

---- Non-applicant

For applicant	Mr. Sunil Sahu, Adv.
For Respondent/State	Mr. Anil Pandey, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12-6-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. Perused the copy of the case diary produced by counsel for the State in connection with Crime No. 485/2017 registered in police station Dhamtari, Distt. Dhamtari (CG) for offence punishable under Sections 354 and 354-A of the Indian Penal Code and Section 3(2)(5क) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and also heard counsel for the parties.
3. Prosecution story in brief is that the complainant aged about 38 years runs a hotel near Nehru Garden, District Hospital Road, Dhamtari. On 12-11-2017 at about 12.45 hours, the applicant came in her hotel and passed obscene comments on her and also pressed her shoulder to outrage her modesty. The prosecutrix lodged the FIR on the same day in police station Kotwali.
4. Charge sheet has already been filed.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.

6. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
7. Looking to the above facts and circumstances of the case, looking to the facts that charge sheet has been filed against the applicant, the applicant is in custody since 12-11-2017, there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge