

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No.3575 of 2018

Ramesh Mahilane S/o Chetan Mahilane Aged About 38 Years R/o Village Durug, O.P. Beladula, P.S. Sarsiva, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, P.S. Sarsiva, O.P. Beladula, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Amiyakant Tiwari, Advocate.
For State/Non-Applicant:	Shri Anant Bajpai, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

10.09.2018

1. The Applicant has filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as he is in custody since 30.04.2018 in connection with Crime No.53/2018 registered at Police Station – Sarsiva, District Balodabazar-Bhatapara (CG) for the offence punishable under Sections 354 and 456 IPC.

2. The case of the prosecution is that on 21.02.2018 at about 12.00 in the night, the Applicant entered into the house of the prosecutrix when she was sleeping along with her children after having meals. Further prosecution story is that after entering into the house, he caught hold of her legs in order to outrage her modesty and when she started screaming, her mouth was gagged by the Applicant. After hearing the screaming of the prosecutrix, her mother-in-law Teel Bai Mahilange, brother-in-law Raj Kumar Mahilange came and

caught hold of the Applicant. However, somehow, the Applicant managed to escape from them and fled away from the spot. Based upon the aforesaid incident, the prosecutrix has lodged a report immediately on the next day morning at 10.30 a.m based upon which, offence has been registered against the Applicant.

3. Learned Counsel for the Applicant would submit that the Applicant has been falsely implicated in the instant case. He further submits that even if the entire prosecution story is taken as it is, the offence required under Section 354 IPC would not be made out. According to him, since there is a dispute regarding payment of loan, therefore, the alleged report has been falsely lodged against the Applicant and since he is in jail since 30.4.2018 and the charge sheet has already been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State while opposing the bail application, submits that looking to the manner in which the alleged offence has been committed, the Applicant is not entitled to be released on bail.

5. I have heard learned Counsel for the parties and perused the entire case diary very carefully.

6. Having considered the facts and circumstances of the case, the nature of allegations, the manner in which the Applicant entered into the house of the prosecutrix at 12.00 in the night, I am not inclined to release the Applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is rejected.

Sd/-
(Sanjay Agrawal)
Judge