

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6002 of 2018

Durgesh Kumar Sahu, aged about 24 years, S/o Shri Santosh Sahu, R/o Arvind Nagar, Bandhwapara, Sarkanda, P.S.- Sarkanda, District- Bilaspur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station- Sarkanda, District- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Achyut Tiwari, Advocate
For Respondent	:	Mr. Vivek Singhal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/09/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 543/2018 registered at Police Station- Thana- Sarkanda, District- Bilaspur (C.G.) for the offence punishable under Sections 341, 354, 354-D, 294 & 506 of the IPC
2. As per prosecution story, on 25/07/2018 at about 7:30 am, when the prosecutrix, a girl aged about 19 years was going to her college by her scooty, it is alleged that between Kapil Nagar and Muktidham, the present applicant stopped her, caught hold her hand and tried to outrage her modesty. The applicant also abused her and gave threatening of life. A report in this regard was made. Offence was registered and the applicant was arrested on 26/07/2019.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present

case. He further submits that the prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not stated anything that on the date of incident, the applicant caught hold her hand. The applicant is in custody since 26/07/2018, charge-sheet has been filed and co-accused- Shailendra has already been granted bail by the Sessions Court, therefore, the present applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 26/07/2018 and the prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not stated anything that on the date of incident, the applicant caught hold her hand, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge