

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8061 of 2017**

Shatrughan Rajput S/o Shri Jhumuk Rajput, Aged About 60 Years R/o Village Badra B , P. S. Pathariya District Mungeli Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Pathariya District Mungeli Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dheerendra Pandey, Advocate.
For the Respondent/State	:	Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.02.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.539 of 2017, registered at Police Station Pathariya, District – Mungeli, Chhattisgarh for the offence punishable under Sections 452, 354 and 323 of the Indian Penal Code and Section 3(1) (b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.10.2017 and he has been falsely implicated in this case. The incident that took place in which FIR was lodged against the father of the victim in this case and on the basis of which, the offence under Sections 354 and 323 of the Indian Penal Code were registered against him and the accused person has been granted bail by the trial Court itself. Subsequent

to lodging of the FIR by the daughter-in-law of this applicant, false FIR has been lodged against the applicant as a counter blast. The applicant is aged about 60 years and the complainant has come up with an improbable story. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that a clear allegation has been made by the victim and the mother of the victim against the applicant regarding commission of offence of outraging modesty of the victim. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. In the FIR lodged against this applicant, it is alleged that on the date of incident i.e. 24.10.2017, the applicant forcefully entered into the house of the victim aged about 18 years and with intent to outrage her modesty he touched her body and also assaulted her causing injuries.

6. Perused the documents filed alongwith this application and the copy of the order passed by the concerned Court granting bail to the accused persons in the counter case. The applicant is a local resident of District Mungeli and there is no likelihood of his absconding. Hence, for these reasons, the application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge