

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 298 of 2018**

Avinash Verma, S/o. Shri Dhanesh Verma, Aged About 23 Years, R/o. Vill. Achholi, P. S. Dongargarh, Dist. -Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through P. S. Bortalab Civil And Rev. Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Ms. Aparna Singh, Advocate

For State/respondent : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/03/2018**

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.02/2017, registered at Police Station – Bortalab, District – Rajnandgaon (C.G.), for the offence punishable under Section 354, 294, 323, 506, 341/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The complainant in this case is step sister of this applicant. The applicant had slapped the complainant on the date of incident, because of which, she has lodged

FIR making false allegation against him regarding outraging her modesty. According to the statement of the complainant under Section 164 of Cr.P.C., no case is made out. Therefore, the counsel prays that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that on the date of incident, when the complainant Vashnavi Sahu had been to visit to a dam site and was coming back it was at that time, the applicant met her on the way and asked the complainant to sit on his motor cycle. As the complainant refused, he slapped her and by force took her in motor cycle to a lonely place, whereby touching her body he outraged her modesty.
6. Considered the submissions made and the contents of the case diary and also perused the statement of the complainant under Section 164 of Cr.P.C., in which there is a change from the earlier version of her statement, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram