

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8603 of 2018

- Nutan Prasad Patel S/o Shri Luman Prasad Patel, aged about 32 Years R/o Village Manakoni, Police Out Post -Giroudhpuri, Thana Gidhouri -Tundra Civil and Revenue District -Balodabazar -Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Out Post -Giroudhpuri, Thana Gidhouri -Tundra, Civil and Revenue District -Balodabazar -Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate.
For Respondent/State : Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/11/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 201/2018, registered at Police Station – Police Out-post - Giroudhpuri, Thana- Gidhouri-Tundra, District- Balodabazar-Bhatapara, (C.G.) for the offence punishable under Section 354 of IPC and Section 3(2) (V-A) of the SC/ST (Prevention of Atrocities) Act, 1989.
2. As per the prosecution story, on 29.09.2018, the prosecutrix, who is a married lady aged about 30 years, lodged a report wherein it has been alleged that on 23.09.2018, when she was taking bath in the village pond, present Applicant came there and tried to outrage her modesty. When the prosecutrix made hue and cry, some witnesses came there then the Applicant fled away from the spot. On the basis of the said report, offence has been registered against the Applicant and he has been taken into custody on 15.10.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that due to some enmity, report was lodged after delay of six days. Delay in lodging the report is not explained properly by the prosecutrix. The Applicant is in custody since 15.10.2018. Therefore, he 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 the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 15.10.2018, and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent 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