

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.996 of 2020

Narendra Dhanwar @ Musku S/o Dewalal @ Devlal, Aged About 30 Years
Caste Dhanwar, Aged About 30 Years, R/o Village Funga, Police Station
Khadgawan, District Korea Chhattisgarh ----- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Khadgawan, District Korea Chhattisgarh ----- **Respondent**

For Applicant	:	Shri Hemant Kumar Agrawal, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/03/2020

Heard.

1. The applicant has been arrested in connection with Crime No.227 of 2019 registered at Police Station- Khadgawan, District Korea (CG) for the alleged commission of offence under Section 354, 354 (ख) of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.
2. Prosecution story is that the applicant, neighbour of the prosecutrix, had dragged the prosecutrix behind the house and attempted to outrage her modesty.
3. Learned counsel for the applicant submits that he has been falsely implicated as there are dispute between the family related to property. He would further submit that the manner, in which, offence is alleged to have been committed is highly improbable. He would next submit that the allegation of prosecutrix is that attempts were made to remove her cloths and nothing further has been stated. He would further submit that investigation is complete, charge-sheet has been filed and the applicant is in jail since 13.11.2019, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that looking to the age of the prosecutrix, who is minor and that

the applicant attempted to outrage her modesty, prima facie case of commission of offence is made out, therefore, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly, taking into consideration that the nature of allegation and the extent to which, offence is alleged to have been committed and also the submission that it is a case of false implication because of property dispute and that the investigation is complete, charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge