

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4477 of 2020

Deepak Kuldeep S/o Ramkumar Kuldeep Aged About 28 Years Resident Of
Maszid Para, Keshkal, Police Station Keshkal, District Kondagaon
Chhattisgarh ---- **Applicant**

Versus

The State Of Chhattisgarh Through Station House Officer, Police Station
Keshkal, District Kondagaon Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Amit Kumar Sahu, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

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

Order On Board

01/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.23 of 2020 registered at Police Station- Keshkal, District Kondagaon (CG) for the alleged commission of offence under Section 354, 454 of IPC and Section 8 of POCSO Act.
2. Case of the prosecution is that the applicant entered the house of the prosecutrix and caught hold of her wrist with intention to outrage her modesty.
3. Learned counsel for the applicant would submit that the prosecution story is exaggerated. The applicant had no intention to outrage the modesty of the prosecutrix. It is next submitted that in the circumstances when investigation is complete and charge-sheet has been filed, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the act of the applicant entering the house of the prosecutrix when she was all alone and catching hold of her hand clearly

shows that there was intention to outrage her modesty. He also submits that the prosecutrix is a minor girl.

5. Taking into consideration the submission of learned counsel for the parties and considering the nature of overt act alleged against the applicant which is said to be limited to catching hold of wrist and that investigation is complete, charge-sheet has been filed and the applicant is in jail since 25.06.2020, 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;
 - (ii) The applicant shall not tamper with the prosecution witnesses.
 - (iii) 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.
 - (iv) If the applicant is found approaching the prosecutrix or in any manner trying to contact her or even speak to her, it would be open for the prosecutrix and the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge