

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7244 of 2020**

Santosh Chaturvedi S/o Vijay Chaturvedi, Aged About 40 Years R/o Village - Ward No. 15 Amlidih Khrud Khairagarh, Police Station And Tahsil Khairagarh, District - Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station Khairagarh, District - Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant : Shri Tarun Dansena, Advocate

For Non-applicant/State : Shri Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

17.12.2020

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 14.09.2020 in connection with Crime No.329 of 2020 registered at Police Station Khairagarh, District Rajnandgaon, Chhattisgarh for commission of the offence punishable under Sections 354, 354(B), 294, 323 and 506 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 10.09.2020 at about 5.30 PM, when prosecutrix was returning to her house from agricultural field of Jhora-Jhori Khar, present applicant with intend to outrage her modesty, has caught hold her and

pressed her upper chest. The incident was seen by one Ajeet Kosare, who came there and upon looking to him present applicant ran away from the spot.

3. Shri Tarun Dansena, learned counsel for the applicant submits that applicant has been falsely implicated in the case, there was a dispute of mobile between the present applicant and complainant, hence, false and frivolous allegation has been levelled against him. He further submits that present applicant is in custody since 14.09.2020, the charge sheet has already been filed, hence, prayed that applicant may be enlarged on regular bail.
4. On the other hand, Shri Ashish Tiwari, learned State Counsel opposes the prayer for grant of bail and submits that incident was immediately reported to concerned Police Station by the prosecutrix and upon her medical examination, injuries over her upper chest along with swelling have been found. The incident was also seen by one Ajeet Kosare, hence, the applicant has been charged for offences as mentioned above. He submits that minimum sentence of 3 years is provided under Section 354(B) of the IPC.
5. I have heard learned counsel for the parties.
6. Taking into consideration the entirety of facts and circumstances of the case, particularly nature of allegations levelled against the applicant and corresponding injuries

found over the body of prosecutrix, I am not inclined to release the applicant on regular bail.

7. Accordingly, the application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh