

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7394 of 2021

Vinayak Kumar Sahu, S/o Late Shri Fagwa Ram Sahu, Aged About 31 Years, R/o Village- Civil Colony Mechka, Thana- Mechka Tahsil- Nagari, District- Dhamtari (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station- Mechka, District- Dhamtari (C.G.)

--- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.

For State/ Respondent : Mr. Avinash K. Mishra, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

26/10/2021

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 on 07.09.2021 in connection with Crime No. 02/2021, registered at Police Station- Mechka, District- Dhamtari (C.G.) for the offence punishable under Sections 294, 323, 506, 354 of IPC.
2. Case of the prosecution in brief is that on 22.07.2021 at about 6.30 p.m. when the complainant was returning back after attending the call of nature, at that time, the applicant caught hand of the victim, manhandled her, abused her and also tried to outrage her modesty. She narrated the incident to her husband, thereafter, report has been lodged against the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime in question. He would further submit that the applicant has no previous criminal antecedent and he is in custody since 07.09.2021 and the trial is

likely to take some time for its final disposal. Hence, it is prayed that this applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposing the bail application submits that there is clear allegation against this applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. Heard learned counsel for both the parties and perused the case diary.
6. Perusal of the case diary would reveal that the prosecution has recorded statement of the victim under Section 161 of the Cr.P.C. before the police and also under Section 164 of the Cr.P.C. before the Magistrate, wherein, she has reiterated the contents of the FIR.
7. Considering the facts and circumstances of the case, looking to the gravity of offence and after considering the statement of the victim recorded under Section 161 & 164 of the Cr.P.C., I am of the view that it is not a fit case, in which, the applicant should be enlarged on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. However, liberty is granted to the applicant to file afresh bail application after statement of the victim is recorded.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Judge