

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9005 of 2021

Preetam Bhagat S/o Birbal Bhagat Aged About 24 Years Caste Uraon,
R/o Village Kesara, Tahsil Manora, Chowki Manora, District Jashpur,
Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Chowki Manora, Police Station Jashpur, District Jashpur, Chhattisgarh
(Wrongly Written As Police Station Manora), District : Jashpur,
Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Chauhan, Advocate

For Non-applicant : Mr. Roshan Dubey, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

17/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.246/2021 registered at Police Chowki- Manora, Police Station- Jashpur, District- Jashpur (CG) for the offence punishable under Sections 294, 354-B, 323 of IPC,
2. Case of prosecution is that prosecutrix lodged written report on 21.10.2021 stating therein that when applicant and his mother was raising barbed fence to surround their courtyard situated in front of house, prosecutrix was preparing videograph, upon which,

applicant became angry, started abusing her and also thrown her down and stated that he will commit rape on her. Outraged her modesty by pressing her chest. Based on report, aforementioned crime was registered against applicant and he was arrested on 22.10.2021.

3. Learned counsel for applicant would submit that allegation levelled against applicant under Sections 354, 354-B of IPC is absolutely false and baseless. Applicant has not committed any offence. There was dispute between the family of applicant and family of prosecutrix with regard to raising of barbed fence in courtyard of applicant and on that count some quarrel took place between family members and also exchange of words and nothing more. Applicant is a student. Process of filling of application form for BA final year examination is going to be start from 13.12.2021 to 27.12.2021, copy of the examination programme is submitted by him along with copy of special mention slip. Applicant is in jail since 22.10.2021, hence, he may be enlarged on bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that serious allegations have been levelled against applicant, by prosecutrix in her written complaint. However, upon asking with regard to cause of dispute, he submits that in the complaint, it is mentioned that when applicant and his mother were raising barbed fencing in their courtyard in front of house, dispute took place. Hence, he is not entitled for grant of bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, cause of dispute which arose as appearing in the written complaint, applicant is a student and his examination is going to start in the month of January 2022, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that applicant shall be released on regular bail upon his furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-
 - a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - b) Applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge