

Swarup Verma Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: Aug. 7, 2018

Acts Referred: Indian Penal Code, 1860 " Section 354
Code Of Criminal Procedure, 1973 " Section 439
Protection Of Children From Sexual Offence Act, 2012 " Section 8

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Shivendu Pandya, Wasim Miyan, Raja Ali

Final Decision: Allowed

Judgement

Goutam Bhaduri, J

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested on 03.07.2018 in connection with Crime No.32/2018 registered at Police Station Chhuikhadan, district - Rajnandgaon (CG) for the offence

punishable under Section 354 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the prosecution case, a report was lodged by the prosecutrix on 03.01.2018 that while she was going to the field at that time the applicant

stopped her, caught hold of her hand and asked for sexual favour and tried to outrage her modesty. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the enquiry in this case

was made by the police and in the enquiry it was found that no offence is made out against the applicant and the applicant is in jail since 03.07.2018,

therefore, he may be released on bail.

4. Per contra, learned State counsel and the counsel for the objector oppose the prayer for grant of bail and submit that there are other different 11

cases to the credit of the applicant.

5. Perused the document as also the report of the police, whereby a preliminary enquiry was conducted. Considering the nature and degree of

allegation, I am inclined to release the applicant on bail.

6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/-

with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the

said Court.

7. Considering the past records of the applicant it is further directed that the applicant shall give his presence before the Police Station Chhuikhadan,

District Rajnandgaon, on the first Monday of every month, till the trial is decided on merits.