

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5855 of 2016

- Arjun Singh Rajput S/O Late Shri Dharam Singh Rajput Aged About 22 Years Occupation Laborer, R/O Atal Avas Kharsia, Police Station & Tahsil Kharsia, District Raigarh, Chhattisgarh. --- **Applicant**

Versus

- State Of Chhattisgarh Through S.H.O. Of The Police Station A J A K, District Raigarh, Chhattisgarh. --- **Respondent**

For Applicant	:	Mr. Abhishek Saraf, Advocate
For Respondent/State	:	Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-09-2016

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 17-8-2016 in connection with Crime No. 24 of 2016, registered at Police Station AJAK, District Raigarh (CG) for the offence punishable under Sections 354(C), 294, 506, 323 of the IPC, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(B) and 3(2)(5)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that the victim girl while going to school, the applicant followed her and thereafter on 15-8-2017 the victim disclosed the incident to her mother. The applicant was called by the mother of the victim and when she tried to make him understand, he abused her in the name of her caste and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the case and due to previous enmity false allegations have been attributed to the applicant. He

would further submit that the applicant was not aware of the caste of the victim, therefore, Sections of Atrocities are not attracted to the present case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 17-8-2016 and no further investigation is required, therefore he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the victim and also her mother in which general allegations have been attributed to the applicant.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statements of the victim and also the fact that the charge-sheet has been filed in this case and the applicant is in jail since 17-8-2016 I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju