

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7510 of 2016

Kamal Singh Sardar S/o Tek Singh Aged About 25 Years R/o Mannadol Tifra,
Police Station : Sirgitty, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Sirgitty,
District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Shashi Kumar Kushwaha, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/12/2016

Heard.

1. The applicant has been arrested on 29.2.2016 in connection with Crime No. 70 of 2016 registered in Police Station- Sirgitty, District-Bilaspur (C.G.) for the alleged commission of offence under Section 354 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant, in order to outrage modesty of 8 years old girl, put fingers in her mouth and sought to remove her clothes.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he has not committed any such offence alleged. It is further submitted that the applicant is in jail since 29.2.2016 and till that, the trial is not over, therefore, the applicant may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that looking to the nature of allegation alleged by the prosecutrix and that minimum sentence of three years is provided once the offence is made out, therefore, the applicant is not entitled to grant of bail.
5. Taking into consideration the submission made by learned counsel for the parties, considering the facts and circumstances of the case, nature of overt act and that the applicant is in jail for almost 10 months and the trial has not been concluded till date, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge