

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 902 of 2016**

Dilver Khandekar, S/o Shantilal Khandekar, Aged about 33 Years, R/o Bank Colony, Vijay Nagar, Police Station Mohan Nagar, District Durg, Civil and Revenue District Durg (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through : Station House Officer, Pulgaon, District Durg (C.G.)

-----Non-applicant

For Applicant: Mr. A.C. Sahu, Advocate.
For Non-Applicant/State: Mrs. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 14/2016 registered at Police Station Pulgaon, District Durg for the offences punishable under Section 354 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that on 25.12.2015 applicant unauthorisedly entered into the house of complainant and outraged her modesty and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that there is delay of 15

days in lodging the FIR as the incident had occurred on 25.12.2015 whereas FIR has been lodged on 9.1.1015 and there is no explanation for such delay. He further submits that the applicant has been falsely implicated in the offence in question as he has not committed any offence; applicant is in detention since 09.01.2016; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 09.01.2016; charge sheet has already been filed and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant – **Dilvar Khandekar** is directed to be released on bail on his executing a personal bond in the 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 to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

