

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 790 OF 2016**

Nand Kumar Kaiwartya S/o Firuram Kaiwartya aged about 21 years R/o village Semariya Police Chowki Lavan Thana Kasdol District Baloda Bazar Bhatapara (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through the Police Station Kasdol District Baloda Bazar Bhatapara (C.G.)

---Non-applicant

For Applicant	:	Mr. Deepak Jain, Advocate
For Non-applicant	:	Mr. Aditya Shrama, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/02/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 504/2015, registered at Police Station Kasdol, District Baloda Bazar Bhatapara (C.G.), for the offence punishable under Section 354 of the I.P.C. & Section 8 of Protection of Children from Sexual Offence (POCSO) Act,

2012.

2. Case of the prosecution, in brief, is that, on 02/12/2015, applicant is said to have outraged the modesty of minor complainant and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 14/12/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the applicant in offence in question; charge sheet has already been filed and pretrial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular

bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge