

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4962 of 2016

1. Rajendra Kumar Vastrakar, S/o. Manohar Vastrakar, aged about 42 years, R/o. Jairamnagar, P.S. - Masturi, District – Bilaspur (C.G.). Presently residing at Q. No. 512/A, Railway Colony, Ward No.5, Ahiwara, P.S. - Nandini Nagar, District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station Nandini Nagar, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Sumit Singh, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/08/2016

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.147/2016, registered at Police Station – Nandini Nagar, District – Durg (C.G.) for the offence punishable under Section 354 (B) of Indian Penal Code and Section 8 of POCSO Act, 2012.
2. Case of the prosecution, in brief, is that on 12.05.2016, the victim/girl of 7 year while went to play in the house of the applicant at that time, the applicant called her and placed his hands under her garments and touched her private part. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that since

the complainant has borrowed certain amount from the family of the accused, therefore, the false allegation has been made. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary and the applicant is in jail since 31.05.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, statements and the documents. Considering the fact that charge-sheet in this case has been filed and no further investigation would be necessary and the applicant is in jail since 31.05.2016, this Court is of the opinion that present is a 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge