

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6262 OF 2017

Sandeep Udasi, S/o Shri Jamuna Das Udasi, Aged about 31 years, R/o LIG-01, Near Shiv Mandir, Katora Talab, PS Civil Lines, Raipur (CG).

... Applicant

Versus

State of Chhattisgarh, through Police Station, Civil Lines, District Raipur (CG).

... Respondent

For Applicant	:	Shri Maneesh Sharma, Advocate.
For Respondent-State	:	Shri D. Minj, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 06.07.2017 in connection with Crime No. 300 of 2017 registered at Police Station Civil Lines, District Raipur, for the offence punishable under Sections 376, 498-A IPC and Section 6 of POCSO Act.
2. As per prosecution case, the applicant is said to have ravished his two minor daughters, aged about 3 and 1 years respectively, for which the wife of the present applicant i.e. complainant has lodged an FIR on 25.04.2017. As per FIR, the incident was prior to 01.11.2016 with no specific date of incident.
3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case for the reason that the applicant and his family members have lodged a complaint on 06.11.2016 in respect of continuous theft being made by the complainant at the instance of her mother, and therefore the applicant may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that the nature of offence alleged is too gruesome and that relation between the accused and the victim are real father and daughter, and therefore the applicant may not be enlarged on bail.
5. Having considered the rival contentions put forth on either side and on perusal of records what reflects is that a complaint was lodged at the hands of the present applicant against the mother of the complainant i.e. mother-in-law of the present applicant on 06.11.2016 in respect of instructing the complainant i.e. wife of the applicant to commit theft at his home. Though the State counsel refers to complaint made by the complainant on 03.02.2017 in respect of present applicant trying to ravish his two minor daughters, but the said allegation seems to be omnibus in nature as it does not provide any specific details so far as date, time, period and duration etc. and thus there is a great element of doubt on the prosecution story. Further, it also reflects that the complainant in the instant case had already left the matrimonial home in October, 2016 itself. Under the said circumstances, the entire case of the prosecution prima facie seems to be highly doubtful. Thus, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**