

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6035 of 2017

- Seetu @ Mohammad Saddam Hussain S/o Rabbul Khan, Aged About 24 Years R/o Manpur, Post Office & Police Station Surajpur, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Surajpur/ Mahila Cell, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/12/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 267/2017, registered at Police Station-Surajpur/Mahila Cell, District- Surajpur(C.G.) for the offence punishable under Section 354 of Indian Penal Code (for short 'IPC') and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 23.8.2017. The complainant in this case had visited the house of the

applicant to give massage service to the mother of the applicant. In the meanwhile, gold ornaments of mother of the applicant were found missing, on account of which the allegation was made against the complainant. Mother of complainant intervened in the matter and requested not to lodge any complaint with the police. Thereafter, to save themselves, a false FIR has been lodged against the applicant. The trial is likely to take some considerable time for its completion, hence, prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that in this case there is direct allegation against the applicant about outraging the modesty of the complainant, who is just 13 years old, therefore, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The fact of the case are these, that complainant went to give massage service to the mother of the applicant and when the mother of the applicant had been to toilet, finding the complainant alone, applicant forcefully embraced her and thus outraged her modesty. On the basis of which, FIR has been lodged and the case has been registered against the applicant. Presently, the trial is pending before the concerned Court.
6. Considering the submissions made and taking into consideration all the circumstances against the applicant, I am of this view that no purpose would be served in keeping the applicant in detention till the conclusion of trial. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha