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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 653 of 2018**

Ala @ Alludin Sheikh S/o Khurshid Ali Aged About 33 Years Permanent R/o Raghunathpur, Madna Chowk, P.S. Suti-1, District Murshidabad West Bengal. Present R/o Indranagar, Tamnaar P.S. Tamnaar District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. P.S. Gharghoda District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Sharma, Advocate

For State/respondent : Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/03/2018**

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.220/2017, registered at Police Station – Gharghoda, District – Raigarh (C.G.), for the offence punishable under Section 376, & 511 of the Indian Penal Code and Section 8 & 12 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 06.11.2017. Charge-sheet in this case has been filed after completion of investigation and the case is likely to take sometime for its conclusion. Hence, prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the victim in this case was only 7 years of age, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against this applicant is this that on the date of incident, he allured the minor victim of 7 years of age and took her to a lonely place, where he pulled her garments, it was at that time, the other witnesses arrived and applicant fled away from the spot.
6. Considered on the submissions made and the contents of the case diary. Looking to the nature of allegations against this applicant although the offence is registered regarding attempt to rape, which may be examined by the trial Court for the present, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge