

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7614 of 2017

- Anand Kumar Sinha S/o Late Shri Shivshankar Prasad Sinha, Aged About 29 Years, R/o Village Devgarh, P. S. Ambikapur District Surguja Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Arvind Sinha, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application filed by the applicant for regular bail before this Court. The applicant has been arrested on 21-10-2017 in connection with Crime No.621/2017 registered at Police Station Kotwali, Ambikapur District Surguja Chhattisgarh for the offence under Section 354 of the IPC and Section 11, 12 of Protection of Children from Sexual Offence Act 2012.

2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case, in which the applicant had tried to help the uncle of the victim, on whose asking he was bringing the victim to him, because of which, false FIR has been lodged against him. It is submitted that no case is made out against him. Hence, the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that age of the victim is below 15 years, hence no case for grant of bail is made out. Therefore, the application may be dismissed.

4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident, it was the second day of Diwali festival when the applicant caught hold of the victim aged 15 years by her hand and was forcibly taking her to her uncle's place, when brother of the victim intervened and the FIR was lodged against this applicant.
6. Considered on the submissions made and contents of the case diary.
7. Taking into consideration all the facts and circumstances of this case, I am of this view that the applicant deserves to be granted regular bail in the present matter.
8. Consequently, the application (MCRC No.7614/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge