

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 7593 of 2017

- Kamlesh Kumar Sahu S/o Dujeram Sahu Aged About 19 Years R/o Village Paladikala Police Station Baradwar District Janjgir Champa Chhattisgarh, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Baradwar District Janjgir Champa Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Basant Dewangan,
Advocate.

For the Respondent/State : Shri Vivek Singhal, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30.01.2018.

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. 237/2017, registered at Police Station – Baradwar, District – Janjgir Champa, (C.G), for the offences under Section 354 (A) (1) of the Indian Penal Code and Section 8 of Protection of Children From Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since

08.09.2017. The victim of this case had earlier given statement under Section 161 of Cr.P.C making false allegations against the applicant, but then she has changed her statement under Section 164 of Cr.P.C stating that she has doubt that it was applicant who has outraged her modesty, hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State opposes the bail application and the submission made.
4. Heard counsel for both the parties and perused the case diary.
5. The age of the victim is 16 years. On the date of incident when she had been out to answer the call of nature, the applicant caught hold of her and then he outraged her modesty by using force.
6. Considering the submissions made by learned counsel, contents of the case diary and perusal of the statement of the victim under Section 164 of Cr.P.C and looking to the facts of this case, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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

Jamal