

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.960 of 2018**

Chotu Sarthi, S/o Shri Mastulal Sarthi, aged about 22 years, R/o Aadarsh Nagar, Chamda Godam, Raigarh, Out Post Jutemill, P.S. Kotwali, Tahsil and District Raigarh, Chhattisgarh

---- Applicant**versus**

State of Chhattisgarh through Out Post Jutemill, Police Station Kotwali, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Abhishek Saraf, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****5.4.2018**

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.440 of 2017 registered at Out Post Jutemill, Police Station Kotwali, District Raigarh for offence punishable under Section 354 of the Indian Penal Code and Sections 8 and 12 of the Prevention of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 2.8.2017, Nanu Sarthi, mother of the prosecutrix lodged First Information Report alleging that on 1.8.2017 at about 9:00 p.m., an alarm was raised by her daughter (the prosecutrix), aged about 10 years that the Applicant had held her hand and pulled her in the room. As soon as she (mother of the prosecutrix) reached there, the Applicant ran out of

the house. Police registered a case and after completion of investigation, filed a charge-sheet.

3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case. He is innocent. It is further submitted that both the prosecutrix and her mother have been examined. They have not alleged anything against the Applicant. They have been declared hostile. The Applicant is in custody since 2.8.2017. Charge-sheet has been filed. Trial will take a long time. Therefore, he may be released on bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Having regard to the facts and circumstances of the case, particularly, the facts that the prosecutrix and her mother have not supported the case of the prosecution and they have been declared hostile, charge-sheet has been filed, the Applicant is in jail since 2.8.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety in the like sum to the satisfaction of the concerned

Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE

Gopal