

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7411 of 2017

- Rajendra Kumar Sharma S/o Late Kaliram Sharma Aged About 52 Years R/o Village Dodki P. S. Masturi, District Bilaspur At Present R/o Pamgarh P. S. Pamgarh District Janjgir Chmapa Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Pamgarh District Janjgir Chmapa Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Dheerendra Pandey, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

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

16/01/2018

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.260/2016, registered at Police Station– Pamgarh, District– Janjgir-Champa(C.G.) for the offence punishable under Sections 354/354(D), 506 509 of Indian Penal Code (for short 'IPC') and Section 3(2)(v) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 15.10.2017. Applicant is posted in post of N.M.A. in the Community Health Centre and the victim is employed as RHO (Rural Health Officer) under him. As the victim had been careless in performing

official duties, one complaint was made by applicant and a departmental inquiry had taken place against her, because of which her husband the complainant had grievance with the applicant. Hence, false report has been lodged against the applicant. Applicant himself is a Government servant and is a person of good character and willing to abide by all the conditions and direction, which may be imposed while granting bail to the applicant. Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the statement of victim in this case is clear and cogent against the applicant, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As the case is this, that the victim in this case was employed under the applicant in Community Health Centre, Pamgarh. Applicant had cleared his intention that he wants to have physical relationship with the victim the wife of the complainant and had molested her sexually prior to the incident that was not reported. On the date of incident, applicant again proposed to the victim that he wants to have physical relation with her and wanted her to come with him to a hotel, then the victim informed the others and the FIR was lodged.
6. Considered the submissions made and contents of the case diary as the case is before the trial Court and trial is likely to take some time and no purpose would be served if the applicant is kept in detention till the conclusion of trial, hence, it is a fit case for grant of regular 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

Nisha