

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6348 of 2017

- Bunty @ Netram Kaushik S/o Dhannuram Kaushik, Aged About 19 Years, R/o Bandoura, Police Station Kawardha, District Kabeerdham, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through : Station House Officer, Police Station Kawardha, District Kabeerdham, Chhattisgarh.

---- Non-applicant

For Applicant – Shri P.P. Sahu, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 18-09-2017 in connection with Crime No.280/2017 registered at P.S. Kawardha, District Kabeerdham, C.G. for the offence under Section 354, 456, 506 of the IPC and Section 7 & 8 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant and the victim in this case had love affair between them. The applicant had been to the house of the victim on her invitation. As the aunt of the victim woke up from sleep, because of which a false complaint has been lodged against the applicant. Age of the applicant is near 20 years and he is a student of Class -XII. Therefore, for these reasons, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the

application and submission made. It is submitted that time of the incident is of 12 p.m. at night, and then there is direct allegation in the statement of the victim herself against the applicant, hence for these reasons, the applicant is not entitled for grant of regular bail.

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

5. The case against the applicant is this, that the victim was sleeping in her house by the side of her aunt on cot, when the applicant made entry into her house and tried to molest her. When the victim tried to raise alarm, the applicant threatened and abused her and fled from the spot.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration the fact that the applicant is local resident of District Kawardha and that his appearance before the trial Court shall not be compromised if he is released on bail, this Court is of the considered view that this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail deserves to be allowed.

8. Consequently, the application (MCRC No.6348/2017) 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