# HIGH COURT OF CHHATTISGARH, BILASPUR

## MCRC No. 6884 of 2017

- Rajkumar Kumhar S/o Late Shri Jogitam Kumhar, Aged About 26 Years R/o Village Naharpara Devpuri, Behind Gurudwara, Thana Tikraparea, Civil And Revenue District Raipur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, Civil & Revenue District Raipur, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Sunil Sahu, Advocate.
For Respondent : Mr. Wasim Miyan, Panel Lawyer.

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

**11/01/2018**

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.200/2017, registered at Police Station- Tikrapara, District– Raipur(C.G.) for the offence punishable under Section 342, 354 of Indian Penal Code (for short 'IPC') and Sections 7, 8 of Protection of Children's from sexual offences Act, 2012.

2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 07.06.2017. No case is made out against him on the basis of the material in case diary and the record of the charge-sheet. Some witnesses have been examined in the trial and they are not supported the case of prosecution. Applicant is local resident of District-Raipur.

He is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. 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 a child of 3 years has been abused and molested by the applicant, hence, he is not entitled for grant of bail.

4. Heard both the parties and perused the case diary.

5. The case against the applicant is this, that the mother of victim has alleged in the FIR that on the date of incident applicant has pull down the underwear of the victim and outraged modesty of the little girl.

6. Considered the submissions made and contents of the case diary and also on the certified copy of the deposition of the witnesses and looking to the development of case, I am of this view that applicant deserves to be enlarged on 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**