

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6915 of 2017

- Somanth @ Bau Yadav S/o Budharu Yadav, Aged About 21 Years, R/o Village Khokha, Police Station Abhanpur, District Raipur, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Abhanpur, District Raipur, Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-01-2018

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 16-09-2017 in connection with Crime No.314/2017 registered at P.S. Abhanpur, District Raipur, Chhattisgarh, C.G. for the offence under Section 451, 354, 354-A of the IPC and Section 8 of Protection of Children from Sexual Offences Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him on the basis of the material in the prosecution case. The applicant is in jail since 16-09-2017. The investigation has been completed and charge sheet has been filed. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that age of the

prosecutrix was 17 years, 11 months on the date of incident and she has made clear statement against the applicant regarding commission of the offence. Hence, the applicant is not entitled for grant of bail.

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

5. The case against the applicant is this, that on the date of incident he effected his entry into the house of the victim and thereafter outraged her modesty. When the victim raised alarm, he fled away from the spot.

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

7. Looking to the nature of the case against the applicant and the fact that trial against the applicant is likely to take some time, no purpose would be served if he is kept in detention till conclusion of the trial, this Court is of the considered view that the applicant should be enlarged on bail in the present matter.

8. Consequently, the application (MCRC No.6915/2017) 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