

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1571 of 2018**

Madhav Nirmalkar S/o Mahaveer Nirmalkar Aged About 38 Years
R/o- Village- Khaprikala, Tahsil And District- Rajnandgaon,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station- Durg, District- Durg,
Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Jitendra Gupta, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/04/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 61/2018 registered at Police Station Durg, District Durg, Chhattisgarh for the offence punishable under Section 354 of Indian Penal Code and Section 8 of Protection of Children from the Sexual Offences Act.
2. The present applicant is in jail since 03.01.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the prosecution case is that the present applicant on 01.12.2017 is said to have tried to outrage the modesty of the prosecutrix, a 13 years old child. The prosecutrix in the instant case is the daughter of the present applicant himself.

4. The counsel for the applicant submits that the present applicant has been falsely implicated in the instant case as there was a strained relationship between the present applicant and his wife i.e. the mother of the prosecutrix. He further submits that there is an inordinate unexplained delay in lodging of the F.I.R. which itself creates a great amount of doubt on the prosecution story. According to the counsel for the applicant, the incident is said to be of 01.12.2017 and the F.I.R. was lodged on 20.01.2018 i.e. after a period of 1 month and 20 days from the date of incident. The counsel for the applicant further submits that the perusal of the statement of the prosecutrix/victim itself would show that there was a strained relationship between the applicant and his wife i.e. the mother of the prosecutrix and for which he has been falsely implicated, therefore prayed for grant of bail.
5. The State counsel on the contrary opposing the bail application submits that it is a case where the victim had not initially divulged the incident to anybody in the family and it was only reported late and that is the reason for delay in lodging of the F.I.R. Later when the mother of the prosecutrix had questioned the applicant in respect of the incident, there was a fight and altercation in the family and the present applicant is said to have started living separately and thus prayed for rejection of the bail application.
6. Having heard the contentions put forth on either side and on perusal of the record, particularly considering the statement of the prosecutrix and also the aspect of a strained relationship between the applicant and his wife, and also considering the delay in lodging

the F.I.R. and also looking to the nature of allegations, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.

7. 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved