

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1707 of 2018**

Komal Kumar, S/o. Shri Dinesh Kumar, Aged About 23 Years, Caste- Sonkar,
R/o.- Village Asara, Post Khartha Bazar, Police Chowki Sanjari, P.S.
Dondilohara, District- Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station
Dondilohara, District- Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Praveen Dhurandhar, Advocate
For State/respondent	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.31/2018, registered at Police Station – Dondilohara, District – Balod (C.G.), for the offence punishable under Section 354 (A) (1) & 323 of the Indian Penal Code and Section 7 & 8 of Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. According to the statement of the victim, she has not identified the person on the spot, who has molested her. She came to know about the name of the applicant from the other villagers. No test identification parade has been conducted in this case during the investigation. The applicant is in jail since 06.02.2018. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect and it is submitted that no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case of the prosecution, on the date of incident, the victim was present in the religious function, when she came out for urination, it is alleged that this applicant followed her and caught hold of her and touched her body parts and thus outraged her modesty.
6. Considered on the submissions made and the contents of the case diary. After due consideration, it appears that presently the case is before the trial Court and the trial is commenced, which is likely to take some time for its conclusion, hence, no purpose would be served, if the, applicant is kept in detention during the pendency of the trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge