

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2747 of 2018**

Hemant Kumar @ Vicky, S/o. Krishna Ram Bodalkar, Aged About 30 Years,
R/o. Sector-4, Sadak No. 32, Ward No. 11/G, Bhilai, P. S. Bhilai, Bhatti, Dist.
Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Bhilai, Bhatti, Dist. Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Varunendra Mishra, Advocate
For State/respondent	: Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/06/2018**

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.14/2018, registered at Police Station – Bhilai Bhatti, District – Durg (C.G.), for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 24.01.2018. Charge-sheet has been filed after completion of investigation. No case is made out against this applicant on the basis of the material present in the case diary.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted

that the age of the victim is only 8 years, hence he is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that on the date of incident, this applicant took the minor prosecutrix to a lonely place and disrobed himself and the victim then by touching her body parts he outraged her modesty.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, the case is before the trial Court and the trial is likely to take some time, 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.

(Rajendra Chandra Singh Samant)
Judge