

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2637 of 2018

- Rakesh Kumar Dewangan S/o Lachhandhari Aged About 27 Years R/o Village Kanchanpur, (Pandopara), Police Station Baikunthpur, District Korea Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police of Police Station Baikunthpur, District Korea Chhattisgarh

---- Non-applicant

For Applicant	:	Shri Anil Gulati, Advocate.
For Non-applicant	:	Ms. K. Tripathi Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/05/2018

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.44/2018 registered at Police Station– Baikunthpur, District Korea (C.G.) for the offence punishable under Sections 354, 354(A) of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case, on the basis of the false allegation levelled by the prosecutrix. Hence, it is prayed that applicant be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that on the date of incident, the Applicant outraged the modesty of the prosecutrix, a minor aged about

13 years, as such no case is made out for grant of bail. Hence, he is not entitled for grant of regular bail.

4. Heard learned counsel for both the parties and perused the case diary.
5. Taking into consideration the facts and circumstances of this case, particularly the fact that the prosecutrix herself has turned hostile and not supported the prosecution story, I am of the opinion that this is a fit case where applicant should be released on regular bail.
6. 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