

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2728 of 2018

- Mansingh Vishwkarma S/o Manharan Vishwkarma Aged About 19 Years R/o- Village- Mohtara, Police Station- Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Srivastava, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/06/2018

1. This is the second bail application of this applicant. The first bail application of this applicant was dismissed for want of prosecution on 6.4.2018 in MCRC No.663/2018. This bail application has been 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.377/2017, registered at Police Station Kota, District-Bilaspur, (C.G.) for the offence punishable under Section 354A of the Indian Penal Code and Section 8 of 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. Applicant is in jail since 22.11.2017. After completion of investigation, charge-sheet has been filed and the case is pending against this applicant. No case is made

out against this applicant. Hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the age of victim in this case is only 9 years, hence, the applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, this applicant called the minor victim of 9 years age to a lonely place with promise to give her biscuit and then he disrobed himself and made the victim to touch his private parts. Hence, this case.
6. Considered on the material present in the case diary, as the case is pending and trial is likely to take some time before its conclusion, for this reason, I am of this view that applicant should be granted regular bail.
7. 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