

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7847 of 2017

- Naraya Markam S/o Preet Lal Markam, aged about 44 years, R/o Jamatpara, Chhuikhadan, District- Rajnandgaon (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Thana- Chhukhadan, District- Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Samir Singh, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 237/2017, registered at Police Station- Chhuikhadan, District – Rajnandgaon (C.G.) for the offence punishable under Section 354, 294, 506, 456 of the IPC & 11(1) 12 of Protection of Children from Sexual Offence Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 25.09.2017. After completion of investigation, charge-sheet has been filed. The trial of the case is likely to take some time for its conclusion. Applicant is willing to abide by all the conditions and direction, which may be imposed on him while granting bail. Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is direct allegation against the applicant regarding commission of offence, therefore, he may not be granted bail.
4. As per case of the prosecution, on the date of the incident when prosecutrix came out of her house in the night about 11.00 p.m. for going to toilet, at that time, the applicant caught hold of her and outraged her modesty.
5. Heard both the parties and perused the case diary.
6. Considered the submissions and contents of the case diary, as the applicant is in jail since 25.09.2017, and applicant is a local resident of District Rajnandgaon and there is no likelihood of his absconsion. The trial is likely to take some time for its conclusion. For this reason, I am of this view that this is a fit case where the applicant should be released on 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 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