

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4012 of 2018

Sunil @ Montu Thakur S/o Pila Singh Thakur, aged about 18 years, R/o. Village Sonabal Badepara Tahsil, P.S. And District- Kondagaon (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Police Station- Kondagaon, Distt. Kondagaon, (C.G.).

---- Respondent

For Applicant	:	Mr. Praveen Kumar Tulsiyan, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28/06/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 100/2018 registered at Police Station- Kondagaon, Distt. Kondagaon (C.G.) for the offence punishable under Section 354 of IPC and Section 8 of the POCSO Act.
2. As per prosecution story on 25/03/2018 at about 6:30 pm, when the prosecutrix, a girl aged about 13 years was in her field, it is alleged that the applicant came there and tried to outrage her modesty. When she shouted, her father came there and then the applicant fled away from the spot. Matter was reported and the offence was registered. The applicant was arrested on 17/04/2018.
3. Learned counsel appearing on behalf of the applicant submits that as alleged the incident was occurred on 25/03/2018 and the FIR was

lodged on 16/04/2018, which is after 21 days of the incident. The delay in lodging the FIR has not been properly explained by the prosecution. He further submits that the applicant has been falsely implicated due to previous enmity, he is in custody since 17/04/2018, matter is triable by the JMFC and the trial will likely to take some more time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that there is delay of 21 days in lodging the FIR, the applicant is in custody since 17/04/2018, matter is triable by the JMFC and the trial will likely to take some more time, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-

Judge
Arvind Singh Chandel