

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4702 of 2018**

Bajrang Das S/o Itwar Das Aged About 25 Years R/o- Belgani Nali Basti,
Balco, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Balco,
District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Smt. Indira Tripathi, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2018**

Heard.

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. 208 of 2018, registered at Police Station Balco, District Korba, Chhattisgarh for the offence punishable under Sections 354(A)(1)(1) and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 14.5.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State oppose the bail application and the submissions made in this respect. It is submitted that looking to the statement of the victim under Section 164 of the Cr.P.C. the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, the applicant caught hold of the victim while taking to a different place, he forced the victim on the ground and then by removing her clothes he touched her body parts.

6. The statement of the prosecutrix has been improved under Section 164 of the Cr.P.C., as it appears that during the whole period of incident the victim did not raise any alarm. Hence, for these reasons, I am of the considered opinion that the applicant deserves to be released on 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge