

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5302 of 2018

- Om Prakash Tiwari S/o Late Shri Suryanath Tiwari, Aged About 54 Years, R/o Village Patara, P. S. Karimuddinpur, Distt. Gagipur U. P. Present Address Up Van Chalgali, P. S. Chalgali Distt. Balrampur-Ramanujanj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chalgali Distt. Balrampur-Ramanujanj Chhattisgarh, District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 01-07-2018 in connection with Crime No.41/2018 registered at P.S. - Chalgali, District Balrampur-Ramanujanj, Chhattisgarh for the offence under Section 354, 342, 323, 506 of the IPC, Section 9-C of POCSO Act and Section 3(1)(a) of ST ST Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 01-07-2018. No case is made out against him. The FIR is delayed more than three days, for which there is no explanation. The applicant is a public servant working as Deputy Range Officer in Forest Department. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. It is alleged that this applicant confined the minor prosecutrix in the rest house by tying her with cloths and attempted to touch her physically on different parts of the body, when the victim objected he threatened her with dire consequence. The victim is a member of Scheduled Tribe. Hence, the offence have been registered against this applicant.

6. After considering on all the material present in the case diary, it appears that there is no further requirement of this applicant to be kept in custody for the purposes of investigation and also for the reason that he is a public servant, I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge