

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5366 of 2018

- Prakash Kumar Das S/o Nand Lal Das Aged About 21 Years R/o Near Pump House Santoshi Ward Jagdalpur District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kotwali District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Shri Praveen Kumar Tulsyan, Advocate.
For Respondent/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/08/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 14/2018, registered at Police Station Kotwali District Bastar (C.G.) for the offence punishable under Sections 354 & 354 (D) of IPC and Section 8 of the POCSO Act 2012.
2. As per the prosecution story, the prosecutrix is a minor girl aged about 13 years and is studying in class 9th. It is alleged that on 08-01-2018 after closing of school when prosecutrix was returning her house on her bicycle along with her friend, applicant Prakash Kumar Das who is an auto driver, reach their and caught hold her hand with the intention to outrage her modesty. A written complaint was submitted by the prosecutrix, on the basis of which, offence has been registered and applicant has been

arrested on 12.01.2018.

3. Shri Praveen Kumar Tulsyan, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, he is in custody since 12-01-2018, charge-sheet has already been filed and trial will likely to take some time, therefore, applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is in custody since 12-01-2018 and charge-sheet has already been filed and trial will likely to take some 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. 20,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge