

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5462 of 2018**

- Sapke Santi @ Modiyam Santi, S/o Modem @ Modiyam Ramaiya, aged about 28 years, R/o Murdanda, P.S. - Usur, Presently Residing at Jail Bada, Bijapur, Tahsil & District – Bijapur, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh, Through D.M. Bijapur, District – Bijapur (C.G.) Chhattisgarh

---- Respondent

For Applicant	: Shri P.R. Patankar, Advocate.
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23/08/2018

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. 92/2015, registered at Police Station Bijapur, District – Bijapur (C.G.) for the offence punishable under Sections 354(A)(1) of the IPC and Section 8 and 9(5) of the POCSO Act.
2. As per the prosecution story, it is alleged that on the date of incident, prosecutrix, aged about 12 years, was sitting in her bed room. It is alleged that applicant entered the house of the prosecutrix and finding her alone pressed her breasts and trying to outrage the modesty of the prosecutrix, when she started crying her father came and saw the applicant running away from

the house. A report has been lodged against the applicant and he has been arrested on 30.10.2017.

3. Shri P.R. Patankar, 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 23.10.2017, 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 further considering the fact that the applicant is in custody since 23.10.2017 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. 10,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge