

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5622 of 2018

Vijay Kumar Burman, S/o. Late Ramcharan, Aged About 29 Years, R/o.- Village- Dhangaon, P.S. And Tahsil- Pamgarh, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- S.H.O. P.S. Pamgarh, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate
For Respondent	:	Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.177/2018, registered at Police Station- Pamgarh, District – Janjgir-Champa (C.G.) for the offence punishable under Section 354, 354-A (1) (ii) (iv) of the Indian Penal Code and Section 8 of POCSO Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 18.07.2018. Charge-sheet in this case has been filed after completion of investigation. No case is made out against him according to the material present in the charge-sheet. The dispute between the applicant and the father of the complainant victim has been settled because of which, the father of the victim is present before the Court to make such statement. Apart from that, wife of this applicant is pregnant and admitted for delivery in the hospital. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Vijay Kumar Khute, S/o. Lakhan Ram, who is the lodger of FIR has made statement, who has been identified by the counsel for the applicant has given statement that he has no objection that, if the, applicant is granted bail.
6. The allegation against this applicant is this that he outraged the modesty of minor victim in this case.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, the name of the father of the victim is reflected in the order of the Court below also, in which he has previously made a mention of settlement of dispute and he is again present before the Court. Hence, looking to the development that has taken place, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge