

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6424 of 2018**

Ajay Rahgandale (wrongly mentioned as Rahangdale) S/o Shri Lakshmichand Rahgandale (wrongly mentioned as Rahangdale), aged about 38 years, permanent address Ward No. 05, Main Road Mudjhad, Police Station – Barasivni, District – Balaghat, M.P.

Present address House of Kaliram Sahu, Ramnagar, Ward No. 02, Kawardha, Police Station and Tahsil – Kawardha, District – Kabirdham, C.G.

---- Applicant**Versus**

State Of Chhattisgarh Through- District Magistrate/ Station House Officer, Police Station- Kawardha, District- Kabirdham, Chhattisgarh

---- Respondent

For Applicant. : Shri Dharmesh Shrivastava, Advocate.
For Respondent. : Shri Ashutosh Pandey, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

04/10/2018

1. The applicant has preferred this *First bail application* filed under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.309/2018 registered at Police Station : Kawardha, District – Kabirdham (C.G.) for the offence punishable under Section 354 of the IPC and Section 8 of the POCSO Act.
2. As per the prosecution story on 24.07.2018 at about 23.30 p.m. Smt. Rajeshwari Keshari who is the grandmother of the prosecutrix lodged an FIR before the Police Station – Kawardha District-Kabirdham, that prior to 8-10 days the prosecutrix went to the Bazar and the applicant called her near and asked her name and thereafter he put his hand

under her panty to outraged the modesty. On the basis of said story the offence has been registered against the applicant and he is in custody since 08.08.2018.

3. Learned counsel for the applicant submits that that applicant is innocent and he has been falsely implicated in the present case, he is in custody since 08.08.2018, charge-sheet has already been filed and trial will likely to take some time, therefore, applicant may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and the fact that the applicant is in custody since 08 . 08.2018 and the offence is triable by Additional Sessions Judge, FTC, charge-sheet has been filed and trial will take some more time, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed.
8. It is directed that the accused/applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge