

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8099 of 2017

- Neeraj Kandwal S/o Late Dinesh Kandelwal Aged About 35 Years R/o Village Mehubala Khalsa Post Office Ambadi P. S. Vikasnagar, District Dehradun Uttarakhand, Present Address Battalion Headquarter Geedam P. S. Geedam District South Bastar Dantewada Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kuwakkonda, Dantewada, District Dantewada Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocates.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/03/2018

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.30/2017, registered at Police Station– Kuwakonda, District– South Bastar Dantewada(C.G.) for the offence punishable under Sections 354, 354(A) of IPC and Sections 8, 9(B), 10 of the Protection of children from sexual offences act, 2012 and 3(1)w(i), 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out on the basis of the material present in the charge-sheet filed against him. Applicant is a constable in CRPF. He is in jail since 13.8.2017 and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. As per the prosecution case, this applicant was present in a function of the school situated in Gurukul Pota-cabin Palnar Tribal girls hostel. As per the allegation, one of the constables present on the duty on pretext of making search outraged the modesty of 16 girls students present in campus by making physical search of them. During investigation, the TIP was conducted by showing photographs of 201 constables of CRPF, out of which two constables were identified and one of them is this applicant. No regular TIP had been conducted. The co-accused person namely Shamim Ahamad has been granted bail by the co-ordinate Bench of this Court in MCRC No.5737 of 2017 vide order dated 13.11.2017, on this ground that the allegation being only against one person, the identification of two accused persons in the case has not been explained by the prosecution, hence, for the same reason this applicant also deserves to be granted bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha