

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8429 of 2018**

Bhagatram Nagarchi S/o Late Umendra Ram Nagarchi, aged about 40 years,
R/o Village Dhanbuda, Police Station Magarlod, District Dhamtari (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station
Magarlod, District Dhamtari (C.G.).

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mr. Vivek Singhal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/11/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 184/2018 registered at Police Station Magarlod, District Dhamtari (C.G.) for the offence punishable under Section 354 of the IPC and Section 8 of the POCSO Act.
2. As per prosecution story, on 31/07/2018 a report was made by the prosecutrix, a girl aged about 12 years alleging therein that on 29/07/2018 when she was watching TV in the house of the applicant, at that time, wife of the applicant and one Suraj was there and when they both went to pond for taking bath, it is alleged that the applicant tried to outrage modesty of the prosecutrix. On the basis of said report, offence has been registered and the applicant has been taken into custody.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to enmity with the parents of the prosecutrix. He further submits that the applicant is in custody since 14/08/2018, charge-sheet has been filed and trial will take time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 14/08/2018, charge-sheet has been filed and the 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