

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 149 of 2019**

- Durga Charan Yadav S/o Dularsay Yadav Aged About 40 Years R/o Ganjpichhe, Ward No.12, Kharsiya Chowki - Kharsiya, District – Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Kharsiya, District - Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Shri F.S. Khare, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**04/02/2019**

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. 831/2018, registered at Police Station – Kharsiya, District - Raigarh, (C.G.) for the offence punishable under Section 354 (B) (D) (1) 294 of the Indian Penal Code & 8, 12 of POCSO Act.
2. In this case prosecutrix is a girl aged about 16 years. Allegation against the present Applicant is that on 24.11.2018, he tried to outrage the modesty of the prosecutrix. Allegedly, the Applicant caught hold her and abused her. On the basis of the said allegations, report has been lodged by the prosecutrix on 24.11.2018 itself and offence has been registered against the present Applicant. He has been taken into custody on 24.11.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to political rivalry. He further submits that the Applicant has no criminal antecedent, charge-sheet has been filed, he is in custody since

24.11.2018 and trial will take some time. Therefore, he 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 the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no criminal antecedent, he is in custody since 24.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent 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