

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2295 of 2019

- Omkar Sahu S/o Bhagwat Sahu Aged About 19 Years R/o Village Rengakhar Khurd, Police Station Kawardha, District Kabirdham Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate.
For Respondent/State	: Shri VK Agrawal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/04/2019

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. 114/2019, registered at Police Station – Kawardha, District- Kabirdham (C.G.) for the offence punishable under Sections 354, 354(A), 506 & 341 of the IPC and Section 7 & 8 of the POCSO Act, 2012.
2. In this case, prosecutrix is a girl aged about 17 years 9 months. As per prosecution story, prosecutrix herself made a report in police station alleging that on 18.02.2019, when she was returning to her house from her school, the Applicant tried to outrage her modesty and also caught hold her hand and told her that she can't marry to anyone. It is further alleged that the Applicant also threatened her to cause death. On the basis of said report, offence has been registered against the Applicant. During course of investigation on 11.03.2019, the Applicant has been arrested and since then he is in custody.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that due to some previous dispute, a false complaint has been lodged by the prosecutrix against the Applicant. The Applicant is in custody since 11.03.2019, charge-sheet has already been filed trial is likely to 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 11.03.2019, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits 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. 25,000/- with one local 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