

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3382 of 2019

Guddu @ Devcharan Kujur, S/o. Late Rijhan Ram, Aged About 32 Years, R/o. Village Jajga, Police Station Sitapur, District Surguja Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Kamleshwarpur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anurag Singh, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.17/2018, registered at Police Station –Kamleshwarpur, District – Surguja (C.G.) for the offence punishable under Section 363, 366, 354 of the Indian Penal Code and Section 7, 8 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 22.02.2019. Charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicant be granted regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on the date of incident, this applicant has after gagging the mouth of the victim with intention to outrage her modesty was dragging her towards Nala, when other witnesses arrived, then the applicant fled away from the spot. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering on the material present in the case diary and the facts and circumstances of the case and for the reason that the case is now before the trial Court and trial is pending, which may take sometime for its conclusion, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge