

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3336 of 2019

- Om Prakash Urf Bhoklo Patel S/o Basant Kumar Urf Bhoj Patel, aged about 21 years R/o Sendaripali, PS Kharsia, District Raigarh (CG) Taluka Kharsia District Raigarh (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Kharsia, District Raigarh (CG) Taluka Kharsia District Raigarh (CG)

---- Respondent

For Applicant	:	Mr. V.K. Pandey, Advocate
For Respondent	:	Ms. Sangeeta Mishra, Dy. Govt. Adv.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

24/5/2019

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 25.1.2019 in connection with Crime No.35/19 registered at Police Station Kharsia, District Raigarh (CG) for the offence punishable under Sections 354, 354B, 323 of the Indian Penal Code and Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 22.4.2019 when the minor prosecutrix along with her younger sister was going towards Primary School of village to answer call of nature, the applicant came there, caught hold of her hands, made her to lie on the ground and thereafter sat on her chest with intent to outrage her modesty. When her younger sister tried to intervene, he assaulted on her head.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in crime in question. Applicant is in custody since 25.1.2019 and he had no criminal antecedents. The

investigation is over and charge-sheet has already been filed, therefore, there is no possibility of tampering with evidence. It is lastly submitted that the applicant is ready and willing to abide by all the conditions which may be imposed by this Court while granting bail. Therefore, it is prayed that applicant may be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of case, in particular the fact that applicant is in custody since 25.1.2019, he is not having any criminal antecedents and that trial is likely to take time, but without commenting anything on merits of case, I am inclined to release applicant on regular bail.
6. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned. He is directed to appear before the trial Court concerned on each and every date given by the said Court.
7. Certified copy as per rules.

Sd/-
(Rajani Dubey)
Vacation Judge

roshan/-