

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3952 of 2019

- Hariram Nagesh S/o Panchram Nagesh, Aged About 24 Years, R/o Village Nahargaon, Police Station and District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police of Police Station Devbhog, District - Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Ms. Sunita Sahu, Advocate.

For Non-applicant/State – Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-03-2019 in connection with Crime No.77/2019 registered at P.S. - Gariyaband, District Gariyaband, Chhattisgarh for the offence under Section 454, 354 of the IPC and Section 8 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 22-03-2019. Charge sheet has been filed after completion of the investigation. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the victim in this case is merely 10 years and 10 months, therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, on the date of incident which was Holi

festival the applicant committed house-trespass in the house of the victim aged about 10 years and with intent to outrage her modesty touched her physically rubbing colours on her body. Hence, this case.

6. After considering that the charge sheet has been filed and the case is pending trial and there is likelihood of delay in conclusion of the same, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge