

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3932 of 2019**

Kumar Sahu, S/o. Kunwaru Sahu, Aged About 20 Years, R/o. Subhash Ward,
Near Saraswati Sishu Mandir, P.S.- City Kotwali, Mungeli, District- Mungeli,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Officer-In-Charge of P.S. City Kotwali,
Mungeli, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pallav Mishra, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/07/2019**

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.258/2019, registered at Police Station – City Kotwali, Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 354, 454, 509 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences 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 06.04.2019. The applicant has been falsely implicated in this case on account of previous civil dispute with the mother of the prosecutrix, which the applicant will prove in defence in trial against him. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the victim girl is five and half years, therefore, the applicant is not entitled for grant of bail.
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 disrobed the child and then had physically touched her private part. This act was discovered by the mother of the victim then FIR has been lodged in this case.
6. Considered on the submissions made and the contents of the case diary. After considering on the material present in the case diary and for the reason that case is now pending for trial and there is likelihood of delay in conclusion of trial, 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