

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4871 of 2019

- Sonu Paikra S/o Shri Bechan Ram, Aged About 21 Years, By Caste - Kanwar, R/o Village Dawna, Police Station Jhilmili, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station Jhilmili, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-08-2019

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 19-05-2019 in connection with Crime No.21/2018 registered at Police Station - Jhilmili, District Surajpur, Chhattisgarh for the offence under Section 354 (क), 451, 34 of the IPC and Section 11 of the POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 19-05-2019. This applicant has not committed any offence. Charge sheet has been filed after completion of the investigation. Two of the co-accused persons have been granted bail by the Court below itself. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is direct evidence against the applicant regarding commission of offence, therefore, the application may be rejected.

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

5. According to the prosecution case, on 29-10-2017 this applicant along

with co-accused persons forcefully entered into the house of two victims and then by use of physical force outraged their modesty. The FIR has been lodged in the case on 10-02-2018 after passing of about more than three months.

6. Considering that the case is now pending for 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