

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5843 of 2018**

- Abhimanyu Kashyap S/o Shri Faguaram Kashyap Aged About 19 Years R/o- Village Dagania P.S. Sipat Tahsil Masturi, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Police Station Sipat, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/02/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 206/2018, registered at Police Station – Sipat, District- Bilaspur, (C.G.) for the offence punishable under Section 456, 354 of the Indian Penal Code and Section 7 & 8 of POCSO Act.
2. As per the prosecution story, it is alleged that on the date of incident i.e. 18.07.2018 at about 5:30 pm, prosecutrix who is a girl aged about 4 years was sleeping in her house. Allegedly, the present Applicant entered into the house of the prosecutrix and he also slept beside the her and opened the pant and seen the private part. According to the complainant, when he saw the Applicant, he found that the pant of Applicant was open and his private part was visible. Thereafter report was lodged by the Complainant Narendra Kashyap. On the basis of the said, offence has been registered against the Applicant. He has been taken into custody on 20.07.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case due to some dispute. He further submits that charge-sheet has been filed, Applicant is in custody since 20.07.2018 and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 20.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge