

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5132 of 2019**

Durgesh @ Golu S/o Chamar Singh Gond Aged About 28 Years R/o Padawpara, P.S. Kota, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station - Kota, District - Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikas Pandey, Advocate.
For the Respondent/State : Shri Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.09.2019**

Heard.

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.343 of 2019, registered at Police Station – Kota, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 456 and 354 of the Indian Penal Code and Section 14 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.7.2019 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. There is no material to prosecute the applicant for the offence under Section 14 of the Protection of Children from Sexual Offences Act, 2012. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, this applicant committed house trespass in the house of the victim aged about 15 years and then outraged her modesty by use of physical force regarding which, the FIR has been lodged.
6. Considering the fact that the charge-sheet has been filed, the case is now pending for trial and no purpose would be served if the applicant is kept in detention for the whole period of trial, therefore, I feel inclined to grant bail to the applicant in this case.
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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge