

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5362 of 2019**

Monu @ Prashant Chauhan, S/o. Kush Chauhan, Aged About 18 Years, R/o. Devrikhurd, Behind High School Torwa, Police Station Torwa, Tahsil and District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Masturi District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ishwar Jaiswal, Advocate
For Respondent/State	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/09/2019**

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.84/2019, registered at Police Station – Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 363, 354, 323, 506 of the Indian Penal Code and Section 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 29.04.2019. The applicant has not committed any offence. Charge-sheet in this case has been filed. 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 there is direct allegation present in evidence against this applicant, 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 along with co-accused Sonu by force took the victims one of which was minor with them to Champa and by taking them to dilapidated house Sonu outraged the modesty of the major victim and this applicant outraged the modesty and also assaulted the minor victim.
6. Considered on the submissions made and the contents of the case diary. As it appears that this applicant is of age only 18 years, he has no criminal antecedents and the case is now pending before the trial Court, hence for this reason, 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