

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6119 of 2019**

- Sunil Kumar S/o Late Sitaram Sao Aged About 47 Years Occupation Service In CRPF, R/o Kusmi, Police Station Kusmi, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Kusmi, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Adv.

For Respondent/State : Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 106/2019 registered at Police Station Kusmi, District-Balrampur (C.G.) for the offence punishable under Sections 354 of IPC and 8 & 10 of POCSO Act.
2. The prosecution story, in brief is that, the father of the prosecutrix lodged a report against the applicant to the effect that when on 29/08/2019 at about 5.00 pm the prosecutrix went along with her brother and other children to eat Guava fruits at that time the applicant, who is a CRPF personnel, called the prosecutrix in his room and touched various parts of her body and also kissed her. Thereafter, the prosecutrix somehow ran away from the place and narrated the incident to her mother. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant has no previous antecedent. The applicant is in jail since 29.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be

released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that applicant is in jail since 29.08.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed as per the conditions given below:-
7. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. The applicant is directed not to communicate/contact in any manner with the prosecutrix, her family members and the witnesses cited in the charge sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix, her family members and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicant directly or indirectly gave pressure for illegal favour in the trial or otherwise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**