

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 832 of 2020**

- Mantram Yadav S/o Shri Rajauram Yadav Aged About 48 Years R/o Subhashnagar, Vivekanand Ward Dhamtari Civil And Revenue District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Sumit Shrivastava, Advocate.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 544/2019 registered at P.S. - City Kotwali, Dhamtari (C.G.) for the offence punishable under Sections 354 & 509 of the IPC and Sections 8 & 12 of POCSO Act.
2. As per the prosecution case, the allegation against the present applicant is that, he tried to outrage the modesty of five year old daughter of the complainant. Based on that, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant had given the chocolate in a public place to the victim as humanity but the mother of the victim got it wrong. He next submits that the charge-

sheet has been filed, applicant is in jail since 15.12.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, he applicant may be released on bail.

4. Per contra, State counsel 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, detention period of the applicant, age of the victim as 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court and 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.

Sd/-
(Rajani Dubey)
Judge