

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1691 of 2020

- Prabhat Kumar. S/o Dhaniram Aged About 23 Years
- Jailal S/o Shri Vishambhar aged about 25 years

(Both are R/o Village- Tidi, Gram Panchayat- Putta, Tehsil And Police Station - Pendra, District- Gorela-Pendra-Marwahi, Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pendra, District- Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Ashutosh Shukla, Advocate.
For Non-applicant/State	: Mr. Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

02-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 31.01.2020 in connection with Crime No.32/2020, registered at Police Station- Pendra District- Gorella, Pendra- Marwahi, C.G. for offence punishable under Section 354-A, 34 of I.P.C. and Section 12 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 31.01.2020 and has been falsely implicated in this case. A false F.I.R. has been lodged against the applicant on account of enmity with the family of the victim. Further the investigation in this case is complete and also that the compromise has taken place between the

family members of the victim and the applicant, therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, these applicants outraged the modesty of the victim, aged about 15 years, by use of physical force and also they attempted to disrobe her, regarding which F.I.R. has been lodged.
6. After considering the facts and circumstances of this case and the nature of allegations against the applicant and other evidence present in this respect, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge