

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3229 of 2020**

Vinod Verma, S/o Bhagirathi Verma, aged about 45 years, R/o village Ganjipara, P.S. and Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Agrawal, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.06.2020**

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.9 of 2020, registered at Police Station – Khairagarh, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 294 and 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.1.2020 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The victim in this case is daughter of this applicant and the lodger of FIR is wife of this applicant, both have turned hostile before

the trial Court. Certified copy of the deposition of both the witnesses has been filed alongwith the application. 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. It is submitted that in the statement given to the police and also to the Magistrate under Section 164 of the Cr.P.C., the victim has clearly made allegation against this applicant. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case of the prosecution, on the date of incident, this applicant came home in a drunken condition and then he quarreled with his wife and daughter it was at that time, he outraged the modesty of the victim by touching her physically and also trying to disrobe her. Hence, this case.

6. On perusing the certified copy of the deposition of the victim as well as the informant of this case, it is found that both have been declared hostile for not supporting the prosecution case, therefore, looking to this development, 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