

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3317 of 2020

- Akash Soni S/o Nand Kishore Soni, Aged About 25 Years, Caste- Soni, R/o Ward No.21, Atal Awas, Manendragarh, Tahsil Manendragarh, District- Korea, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh Through Police Station AJAK, Baikunthpur, District Korea, (C.G.), wrongly mentioned in the impugned bail order Dated 08-05-2020 - Police Station Manendragarh, District Korea, Chhattisgarh

----Non-applicant

For Applicant – Shri Hemant Kumar Agrawal, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2020

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 06-03-2020 in connection with Crime No.08/2020 registered at Police Station - AJAK, Baikunthpur, District Korea, Chhattisgarh for the offence under Section 354, 354 (ख) of the IPC, Section 8 of POCSO Act and under Section 3(1) (ब) (i) (ii) of SC/ST Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case because of enmity with the complainant side. The applicant is in jail since about five months. Charge sheet has also been filed. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is evidence present against the applicant, hence, he is not entitled for grant of bail.

4. The victim of this case is present before this virtual Court through Help Desk of this High Court and she has stated about her objection in grant of bail

to the applicant.

5. Heard the submissions and perused the documents.

6. It is alleged that this applicant has on the date of incident outraged the modesty of minor victim by use of physical force on her regarding which the FIR has been lodged.

7. Considered on the submissions and the facts of the case. For the reason that the applicant has undergone for about five months in jail and the charge sheet has been filed, hence, I do not find any requirement for detention of the applicant till conclusion of the trial, therefore, I feel inclined to allow this application.

8. 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 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge