

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3446 of 2020

- Sujeet Kumar Choudhari S/o Shri Ravinder Choudhari, Aged About 23 Years, R/o Near Ram Janki Mandir, Zone-2, Khursipar, P.S. Khursipar, Tahsil and District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khursipar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Shashank Thakur, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2020

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 25-01-2020 in connection with Crime No.59/2020 registered at Police Station - Khursipar, District- Durg, Chhattisgarh for the offence under Section 294, 506, 323, 325, 354, 307 of the IPC & Section 12 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The applicant and the victim had been good friends, but later on the family members of the victim had restricted her to meet the applicant, because of which a dispute has taken place. It is submitted that there is no material to make out a case under Section 354, 307 of the IPC or Section 12 of the POCSO Act. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the victim of this case has made clear and categorical statement against the applicant and also there is statement of two eye-

witnesses who were present on the spot. Therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, on the date of incident the applicant offered the victim to take a ride with him on motorcycle. The victim refused, because of which the applicant abused her, pushed her and then hit her with a stone which caused fracture in the nasal bone of the victim. On this basis the FIR has been lodged.

6. After considering nature of the allegations and also that the charge sheet has been filed and the applicant is in jail since 25-01-2020, 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 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge