

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4115 of 2020

Bhagat Singh, S/o Marin Singh, Aged About 43 Years, R/o Khursipar
Bhilai, P.S. Khursipar, Tehsil and District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through District Magistrate Durg, District- Durg
(C.G.)

--- Respondent

For Applicant : Mr. B.P. Singh, Advocate.

For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/07/2020

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. 376/2019, registered at Police Station- Khursipar, District- Durg (C.G.) for the offence punishable under Section 354 of IPC, Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against the present applicant. Totally false FIR has been lodged against him, in fact, the victim of this case is step-daughter of the applicant, who was having association with some person to which, the applicant had objected, therefore, he has been falsely implicated. The dispute has now been settled and the applicant

is in jail since 23.11.2019 and charge-sheet has been filed, hence, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that age of the prosecutrix is only 13 years, who has been molested by this applicant, who happens to her step-father, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per FIR, it is alleged that this applicant has molested and outraged modesty of the minor prosecutrix of age about 13 years, who happens to her step-daughter, regarding which, the FIR has been lodged by mother of the victim.
6. Considering that at present, the case is pending for trial after filing of charge-sheet and the applicant is in jail about more than six months, hence, I am of the view that it would be proper to release the applicant on regular bail, 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge