

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4251 of 2020

Sukhdev Singh son of Gurucharan Singh, aged about 36 years, R/o New Housing Board, Kailash Nagar, Kurud, Qtr. No.103, Police Station- Jamul, District- Durg (CG)

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station -Jamul, District- Durg (CG)

---- Respondent

For Applicant	:	Shri Uttam Pandey, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.262/2019 registered in Police Station -Jamul, District- Durg (CG) for alleged commission of offence under Sections 342 & 377 IPC and Section 4 of the Protection of Children from Sexual Offences Act 2012.
2. Case of the prosecution, in brief, is that the applicant attempted to insert his penis in the anal part of the victim, a boy aged about 16 years.
3. Learned counsel for the applicant argues that the applicant has not committed alleged offence and he has been falsely implicated. He would submit that even according to prosecution, it is not a case of actual penetration, but only attempt to commit offence. Learned counsel for the applicant next submits that the applicant is in jail since 3.6.2019 and till date, there is no material progress in the trial and even the victim has not

been examined till date. Learned counsel for the applicant would further submit that in the present situation, the trial is not likely to commence early and, therefore, when there is no case of actual penetration against the applicant, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that in view of the statement of the victim, it is clear that the applicant attempted to insert penis in the anal part of the victim, a young boy aged 16 years. Therefore, prima facie, case of commission of offence under Sections 342 & 377 IPC and Section 4 of the POCSO Act is made out.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that according to the prosecution case also, it is a case where the applicant attempted to commit the offence of penetration and further taking into consideration that the applicant is in jail since 3.6.2019 and till date, even the victim has not been examined and trial is not likely to commence early, present is a fit case for grant of bail.
6. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge