

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4009 of 2020**

Yogendra @ Dekho S/o Bhuneshwar Beck Aged About 31 Years R/o Village Pathrai Charpara P.S. Tehsil Batauli District Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Batauli District- Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Nishikant Sinha, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.06.2020**

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.31 of 2020, registered at Police Station – Batauli, District – Surguja, Chhattisgarh for the offence punishable under Sections 354, 294 and 323 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 10.6.2020 and has been falsely implicated in this case for the reason of previous enmity regarding the land dispute. On the date of incident, the victim/ minor girl was grazing her cattle in the fields of the applicant because of which, the applicant had scolded her, therefore, a false FIR has been lodged belatedly making false allegations against the applicant. 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 the statement given by the victim is very clear and categoric against the applicant, therefore, no case is made out for grant of bail to the applicant.

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

5. According to the prosecution case, on 1.5.2020, the applicant made an indecent proposal to the minor victim of 11 years and it is alleged that this applicant thrashed the victim on her buttocks with a bamboo pole regarding which, the FIR has been lodged.

6. Considering the facts and circumstances of the case and the submissions made by the counsel for the applicant, I am of the considered view that this is a fit case for grant of regular bail to the applicant.

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