

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4769 of 2020**

- Prem Deepak @ Kallu S/o Sanju Sahu Aged About 22 Years R/o Chingrajpara, P. S. Sarkanda, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Pravin Tulsyan, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/09/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.1089/2019 registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for alleged commission of offences under Section 323, 354, 506 of IPC and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case is that the applicant, not only threatening the prosecutrix on the point of knife but also outraging her modesty. Prosecutrix is stated to be minor in age.
3. Learned counsel for the applicant would submit that the allegations against the applicant are exaggerated. The applicant has not committed any offence of threat or even outraging modesty of the prosecutrix and the applicant only wanted to develop relationship with the prosecutrix. It is next submitted that investigation is complete, charge sheet has been filed and the applicant is in jail since 28/11/2019. Therefore, at this stage, the applicant may be granted bail with appropriate conditions.

4. On the other hand, learned State counsel submits that the contents of FIR and the statement of prosecutrix under Section 161 CrPC and 164 CrPC clearly make out a case because the prosecutrix, aged about 16 years, has stated that the applicant was time and again teasing her and on the date of incident, he threatened her on the point of knife and also outraged her modesty by touching her body parts.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the maximum sentence which could be awarded for alleged commission of offence and also there is no injury caused to the prosecutrix and that the applicant is in jail since 28/11/2019, charge sheet has been filed and trial is not likely to be concluded early, I am inclined to grant bail to the applicant.

6. Accordingly, the application is 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 one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

The bail is being granted to the applicant on the condition that the applicant shall not make any attempt to approach the prosecutrix in any manner. If there is a fresh complaint made by the prosecutrix regarding the applicant again approaching her or in any manner threatening or causing any bodily injury, it would be open for the State as well the prosecutrix both to apply for cancellation of bail and the bail granted to the applicant shall be cancelled.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge