

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4973 of 2020**

- Ashok Sahu S/o Chhotku Sahu, Aged About 20 Years R/o Village - Nandal, Police Station And Tahsil - Nawagarh, District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Nawagarh, District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- **Respondent**

For Applicant	:	Shri Bharat Rajput, Advocate
For Respondent/State	:	Shri Ravish Verma, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****22/09/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.171/2020 registered at Police Station Nawagarh, District Bemetara for the offence punishable under Section 354 of the IPC and Section 8 & 12 of POCSO Act . The applicant was arrested on 16-07-2020.

2. Prosecution case is that the present applicant outraged modesty of the prosecutrix, when he intercepted her on road and it is alleged that the present applicant pressed her breast.

3. Learned counsel for the applicant would argue that the report has been lodged by the mother of the prosecutrix and no statement of the prosecutrix was taken. There is an allegation of murder of prosecutrix by her own father and only thereafter, FIR was lodged by the mother of the prosecutrix against the applicant. He would submit that the investigation is complete, charge sheet has been filed and the applicant is in jail for the last more than two months, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that according to the FIR registered in the police station, clear allegation has been made against the present applicant by mother of the prosecutrix. He also submits that as the prosecutrix died, her statement could not be recorded.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation and extent of criminal overt act alleged against the applicant as also the maximum sentence, which could be awarded to the applicant for alleged commission of offence and further that the investigation is complete, charge sheet has been filed and that the applicant is in jail since 16-07-2020, I am inclined to enlarge the applicant on bail.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

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