

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 16-10-2020Order delivered on 02-11-2020MCRC No. 5580 of 2020

1. Dumar Singh Alias Duman Lal Boga S/o Pradeep Boga Aged About 30 Years R/o Village- Pendodi Bogatola, P.S. Aundhi, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The Police Station Aundhi, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	Mr. Shaleen Singh Baghel, Advocate
For Respondent /State	Mr. Vimlesh Bajpai, Govt. Advocate
For Objector	Mr. Prasoon Agrawal, Advocate

(Proceedings through Video Conferencing)Hon'ble Mr. Justice Prashant Kumar MishraCAV Order

1. Heard.
2. The applicant has preferred this bail application for grant of bail as he has been arrested in connection with Crime No.05/2019, registered at Police Station - Aundhi, District : Rajnandgaon, for the offence under Sections 376 (3), 376(ab) & 506 part II of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act 2012.

3. Applicant has allegedly fingered in the private part (vagina) of the prosecutrix, aged about 5 years. In her diary statement the prosecutrix states that the applicant kissed; removed her underwear; and inserted his finger in the private part, however, the lady Doctor conducting MLC of the prosecutrix has not found any injuries over the genitalia. Hymen was also found intact. Chemical examination of vagina slides is also negative.
4. Moreover, the mother of the prosecutrix has appeared through her lawyer Shri Prasoon Agrawal to state no objection if bail is allowed to the applicant.
5. The applicant, a tribal boy, is in jail since 22-2-2019 i.e. for more than 1½ year, therefore, considering all the relevant aspects of the matter and for the fact that case involves touching or inserting finger in the vagina, but there is no effort to commit rape and the applicant has not even undressed himself, I am of the opinion that present is a fit case to release the applicant on regular bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri