

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6777 of 2020**

Gulam Khan @ Golu S/o Shahbuddin Khan Aged About 33 Years R/o Matadevalay Ward, Bhatapara, Thana Bhatapara (City) District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Thana Bhatapara (City), District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant	:	Shri T.K. Jha, Advocate with Shri Deepak Jain, Advocate.
For the Respondent/State	:	Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.12.2020**

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.312 of 2020, registered at Police Station – Bhatapara (City), District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Section 354 of the Indian Penal Code and Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.07.2020 and has been falsely implicated in this case. The FIR has been lodged by the complainant against the applicant due to previous enmity. After completion of investigation, the charge-sheet has been filed.

Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 it is a case of outraging the modesty of two minor girls of age 10 years only, regarding which there is clear statement given by the witnesses, hence, the offence committed is of grave nature and touching to the morality. Therefore, no case is made out for grant of bail to the applicant.

4. Complainant – Santosh Soni is present before this Court on notice. He made a statement that he has strong objection in grant of bail to the applicant. He has also stated that the applicant is habitual in committing similar offences but so far, nobody else has come forward to lodge FIR against him. There is a public rage against the applicant. Hence, the applicant is not entitled for grant of bail.

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

6. FIR has been lodged on 23.7.2020 on the complaint given by the complainant that on 8.7.2020, the applicant called the minor daughter of the complainant of age 10 years inside his shop and then he touched her private part. It is also alleged that the applicant also touched the private part of another girl of age 10 years. On the basis of the FIR and the statements given, the offences have been registered against him.

7. Considered the submissions and the facts present in this case. The applicant has undergone the custody of about 4 months in jail. Presently, the charge-sheet has been filed before the Court and the case is pending for trial. There is no requirement for detention during the pendency of trial against the applicant, therefore, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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