

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6759 of 2020

Pradip Dongre, S/o Dalgajan Dongre, Aged About 23 Years, R/o Bapu Nagar, Raigarh, Tahsil & District- Raigarh (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Thana In-Charge, City Kotwali, Raigarh, District- Raigarh (C.G.)

--- Respondent

For Applicant : Mr. Rajendra Tripathi, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29/10/2020

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. 83/2020, registered at Police Station- City Kotwali, District- Raigarh (C.G.) for the offence punishable under Section 354 of IPC and Section 17 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 16.07.2020 and has been falsely implicated in this case because of previous enmity. Hence, it is prayed that this applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application submitting that the applicant committed repeat offence against the same victim. She had earlier lodged FIR against him,

which was registered under Section 363, 366(A), 376 of IPC and Section 4 & 6 of the POCSO Act, therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.

4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the applicant by use of physical force, outraged modesty of the minor victim regarding which, the FIR has been lodged.
6. Considered on the submissions and the facts present in this case. After considering that the charge-sheet has been filed and there is no requirement of continuous detention of the applicant till conclusion of the trial, therefore, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge