

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7223 of 2020

- Abdul Wahid @ Talwar, S/o Abdul Hamid, Aged About 38 Years, Resident of Ghasidas Nagar, Quarter No. 24, Ward No. 27, Atal Awas , Behind Police Station Jamul, Police Station-Jamul Tahsil and District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District-Magistrate, Durg Through Police Station-Jamul, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. R.K. Jain, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.331/2020 registered at Police-Station-Jamul, District-Durg(C.G.) for the offence punishable under Sections 457, 354, 506, 323, 34 of IPC and Section 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. False FIR has been lodged because of the previous enmity. The applicant side has also lodged FIR against the complainant side, which is registered as FIR No.332/2020 for commission of offences under Sections 294, 323,

506, 34, which is counter case. Infact, it was a case of quarrel between the two parties, in which, manhandling has taken place, hence, the allegation regarding outraging the modesty of the victims are false. The applicant is in jail since 20.07.2020, hence, the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that in this case there are two victims. One of the victim is of age only 12 years. Both the victims have made categorical statements regarding commission of offence by this applicant and one co-accused Pradeep. The applicant has a criminal history. There are in total 10 cases registered against him in between the year 2012-2020 and this is the 11th case against him. One of case in the year 2019 is of similar nature, therefore, looking to these circumstances, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that on 19.7.2020 at about 8.30 p.m., this applicant made a forceful entry in the house of the complainant and then threatening to rape her he physically held her and then outraged her modesty. The other witnesses came to intervene, thereafter, the FIR has been lodged.
6. Considered on the submissions and the facts present in the case. The applicant is in detention since about 7 months. The charge-sheet has also been filed. Although, the applicant has criminal history, but it appears that he is not in detention in any of the previous cases, and it

appears, that there is no requirement to keep the applicant continuously in detention, for these reasons, I feel inclined to allow the bail application of this applicant.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha