

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6890 of 2020

Jagat Ram Lohar, S/o Lakhan Lohar, Aged About 19 Years, R/o Village Khamhar, P.S. & Tahsil Dharamjaigarh, District- Raigarh, Civil & Revenue District- Raigarh (C.G.)
--- Applicant

Versus

State of Chhattisgarh, Through Officer-in-Charge, Police Station- Dharamjaigarh, District- Raigarh (C.G.)
--- Respondent

For Applicant : Mr. Ashutosh Mishra, Advocate.
For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/11/2020

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. 157/2020, registered at Police Station- Dharamjaigarh, District- Raigarh (C.G.) for the offence punishable under Section 294, 354 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 02.09.2020 and has been falsely implicated in this case. No case is made out against this applicant. False FIR has been lodged against this applicant and investigation is also now completed. 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 there is clear statement of the

prosecutrix regarding commission of offence by the applicant, 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 on 01.09.2020, when the minor prosecutrix of age about 12 years had been taking bath in the river, the applicant, then by use of physical course, outraged the modesty of the minor victim. When the victim objected the same, the applicant also abused filthy words regarding which, FIR has been lodged.
6. Considered on the submissions and the facts present in this case. As the investigation has not been completed and the case is pending for 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