

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7017 of 2020**

Aman Singh Paikra, S/o. Bhajan Paikra, aged about 20 years, R/o. Village Kadnai, Police Station - Kamleshwarpur, Tahsil Mainpat, District - Surguja Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police of Police Station - Darima, District - Surguja Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/11/2020**

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.96/2020, registered at Police Station – Darima, District – Surguja (C.G.) for the offence punishable under Section 457, 354, 323, R/w. Section 34 of the Indian Penal Code and Section 5 (L) (B) of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case on account of some

previous enmity. No case is made out against the applicant according to the material present in the case diary. The applicant is in jail since 14.09.2020. Hence, it is prayed that the applicant may be released on bail.

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 there is clearly evidence present against the applicant regarding commission of offence as alleged. Therefore, it is prayed that the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant along with one juvenile offender committed lurking house trespass in the house, where the minor victim was residing thereafter dragging her out both of them by using physical force outraged her modesty and also caused simple hurt to her.
6. Considered the submissions made. After considering the facts and circumstances of the case and taking into consideration the fact that the applicant is in jail for about three months and there appears to be no further requirement of continuous detention, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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

Balram