

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7176 of 2020**

Chandrabhushan Verma, S/o Late Shri Balaram Verma, aged about 32 years, R/o. Bramhdehipara, Khamtarai, Police Station -Khamtarai, Tahsil and District Raipur Chhattisgarh. (Detail has not mentioned in the rejection order of the learned Court below).

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/11/2020**

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.416/2020, registered at Police Station – Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 354 of the Indian Penal Code and Section 8 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 because of the dispute with the second wife, who is complainant and mother of the

victim. Dispute has gone up to such extent that complainant has also filed a complaint against the applicant under the provision of Protection of Woman from Domestic Violence Act, therefore, the case against him is concocted. The applicant is in jail since 07.09.2020 and charge-sheet has been filed in this case. 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 the statement of the complainant and the victim recorded under Section 164 of Cr.P.C. makes clear allegation against the applicant regarding commission of offence alleged against him. Therefore, 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. According to the prosecution case, the victim of age 7 years happens to be step daughter of this applicant. It is alleged that during the absence of her mother, the applicant used to talk obscene with her and also disrobe her thus outrage her modesty, regarding which FIR has been lodged.
6. Considered on the submissions. As the case is at present before the trial Court, therefore, there is no requirement of continuous detention of the applicant in jail, hence for this reason, 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