

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7081 of 2020

Lekhan @ Bhanupratap Yadav, S/o Late Beersing, Aged About 29 Years, R/o Village Karanjabhlai, P.S. Pulgaon, Tehsil and District- Durg (C.G.)
--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station- Pulgaon, District- Durg (C.G.)
--- Respondent

For Applicant : Mr. Prasoon Agrawal, Advocate.
For State/ Respondent : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19/11/2020

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. 337/2020, registered at Police Station- Pulgaon, District- Durg (C.G.) for the offence punishable under Section 354, 323, 506 of IPC and Section 6 & 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 11.09.2020 and has been falsely implicated in this case because of the previous enmity between the parties. No case is made out against this applicant. The charge-sheet has been filed. 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 prosecutrix was minor on the date of incident and no case is made out in favour of 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, mother of the minor victim has lodged FIR, alleging that on the date of incident, this applicant used physical force to outrage modesty of the minor victim and then, he also threatened her and caused simple hurt to her.
6. Considered on the submissions and the facts present in this case. The charge-sheet has already been filed and the case is pending for trial, which is likely to take some time for conclusion, 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