

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7543 of 2020

- Lal Singh S/o Bhavan Singh Aged About 29 Years, R/o Madikala, P.S. Pasan, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O., P.S. Pendra, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vijay Kumar Sahu, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

09-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-09-2020 in connection with Crime No.184/2020 registered at Police Station – Pendra, District Bilaspur, Chhattisgarh for the offence under Section 354क(1)(i) of the IPC and Section 7 and 8 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The false FIR has been lodged in this case because of sister of the victim who came on the spot and saw the applicant and the victim in compromising position. The case against the applicant is totally false. He is in jail since 24-09-2020. The investigation has also been completed. Therefore, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that age of the victim in this case is only 13 years and she has clearly alleged against the applicant in her statement regarding commission of offence. Therefore, the applicant is not entitled for grant of bail.

4. The victim of the case is present before this Court and she has stated that she has objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.
6. The FIR has been lodged against the applicant that on the date of incident the victim went to the courtyard for answering the call of nature at about 08:00 p.m. in night when the applicant came there all of a sudden, caught hold of her, pulled her to another place and then with intent to outrage her modesty he touched her physically and when the victim raised alarm her sister arrived on the spot and then the applicant fled from the spot.
7. Considered on the submissions and facts present in the case. As it is found that the investigation in this case has been completed and the case is now pending for trial before the Court, I do not find any specific reason to keep the applicant in continuous detention in jail looking to the case against him. Therefore, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge