

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7354 of 2020

- Annu Nageshiya, S/o Bhikh Ram Nageshiya, Aged About 21 Years, R/o Sakin Gujarwar Kharadand , Police-Station-Lundra Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Lundra , District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.31/2019 registered at Police-Station-Lundra, District-Surguja(C.G.) for the offence punishable under Sections 363, 354 & 342 of IPC and Sections 7/8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 13.03.2019, hence, the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that it is a case of sexual assault on a minor prosecutrix, therefore, the applicant is not entitled for grant of bail.
4. The notice was issued to the complainant but there is no report of service of the same, therefore, there was no requirement for such notice as there is no allegation against the applicant regarding commission of offence of rape.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that on the date of incident, this applicant abducted the minor prosecutrix of age 14 years and then by use of physical force, he sexually assaulted her and he also kept her in confinement and committed the offence.
7. Considered on the submissions and the facts present in the case. The charge-sheet has been filed and at present the case is pending for trial, for this reason, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge