

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7615 of 2020

- Shambhu Bhatt S/o Shri Ahibaran @ Abhivaran Bhatt, Aged About 25 Years R/o Dewarpara Chowki, Jutmil District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowki - Jutmil, P.S. Kotwali, District Raigarh Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vineet Kumar Pandey, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 08.05.2020, in connection with Crime No.344/2020, registered at Police Chowki- Jutmil, Police Station- Kotwali, District- Raigarh, C.G. for offence punishable under Section 377 of I.P.C. and Section 03 and 04 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case because of the enmity by the complainant. The applicant has committed no such offence as is alleged against him. He is in jail since 08.05.2020. Charge-sheet has also been filed and the trial is making no progress. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the victim of this case has given very clear statement making allegations against this applicant and there are also eye witnesses of the incident, therefore, the applicant is not entitled for grant

of bail.

4. Notice was issued to the complainant/informant for appearance for fixed dated on 07.12.2020, which was returned served but there was no appearance or representation from the complainant side on that date.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, on the date of incident, the applicant allured the minor victim of age below 15 years by making some payment and then he was trying to satisfy his lust in unnatural manner orally and also by inserting his finger in the anus of the victim which was witnessed and the case was reported. Hence, this case.
7. Considered on the submissions and the facts of the case, as it appears that the applicant is in jail since about 07 months, the trial against him is not making any progress and there is likelihood of delay in trial, therefore, under these circumstances, 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, on condition as imposed by the concerned Court.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge