

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 165 of 2021

- Omprakash Sahu S/o Dauwa Ram Sahu, Aged About 23 Years, R/o Village Devri, Police Station Khairagarh, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station-Khairagarh, District-Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Abhishek Sharma, Advocate.

For State/Non-applicant – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-03-2021

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 23-12-2020 in connection with Crime No.503/2020 registered at Police Station – Khairagarh, District-Rajnandgaon, Chhattisgarh for the offence under Section 354, 354(B) of the IPC and Section 7, 8 of the 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. The FIR lodged is totally false. The applicant is in jail since 23-12-2020. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the direct evidence present against this applicant, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecutrix/complainant has lodged the FIR that on the date of incident this applicant forcefully outraged her modesty and also made an attempt to disrobe her. Hence, this case.
6. Considered on the submissions and considering that the applicant has

undergone since about three months in jail, the charge sheet has been filed, I do not find any reason to keep the applicant in continued distension, therefore, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge