

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 77 of 2021

- Toshendra Vishwakarma @ Banti, S/o Aimal Kishore Vishwakarma, Aged About 19 Years, R/o Village Dhour, Near Tiranga Chowk, Ward No. 06, Police Station Jamul, Tehsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anmol Sharma, Advocate.

For State/Non-applicant – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-03-2021

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 16-11-2020 in connection with Crime No.547/2020 registered at Police Station – Jamul, District Durg, Chhattisgarh for the offence under Section 457, 354, 354(D) of the IPC and Section 10 of POCSO Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated because of enmity with the complainant side. This is repeat FIR lodged by the same victim against this applicant which shows the gravity of the enmity. The applicant is in jail since 16-11-2020. The charge sheet has been filed. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant was earlier arrested and released on bail in Crime No.161/2020 which was registered for offence under Section 454 and 354 of the IPC. This FIR was lodged by the victim in this case after his release on bail, when the applicant has continuously stalked and harassed the victim and then has again committed same offence, on 16-11-2020. Therefore, the FIR was

lodged. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 15-11-2020 this applicant committed house-trespass in the house of the minor victim and then by use physical force outraged her modesty.

6. Considered on the submissions. It is a case of repeat offence against the same victim, but looking to these facts that the applicant is in jail since more than three months and the charge sheet has also been filed, no purpose would be served if the applicant is kept in continuous detention till conclusion of the trial, 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 on condition that if the applicant again commits the same offence, then the bail granted shall automatically stand cancelled the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties 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