

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 339 of 2021

- P. Prakash Rao @ Pandu (name not completely mentioned in impugned order), S/o Vainkat Rao, Aged About 20 Years, R/o Quarter No. 9B, Railway Colony Maroud, Near Kutti Hotel Nevai, Police Station Nevai, Tehsil and District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Nevai, District Durg Chhattisgarh

---- Non-applicant

For Applicant – Mr. Avinash Chand Sahu, Advocate.

For State/Non-applicant – Ms. Reena Singh, Panel Lawyer.

Mr. Aditya Khare, Advocate for the complainant.

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 22-12-2020 in connection with Crime No.372/2020 registered at Police Station – Nevai, District Durg, Chhattisgarh for the offence under Section 354, 354(घ) of the IPC and Section 8 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. He is in jail since 22-12-2020. Charge sheet has been filed. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is direct evidence present against this applicant given by the witnesses. Therefore, he is not entitled for grant of bail.

4. Learned counsel for the objector objected on this ground that the family members of the applicant are pressurizing the complainant/victim to withdraw the case against this applicant, regarding which they have made complaint to the police. Therefore, the application may be rejected.

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

6. According to the prosecution case, it is alleged that on the date of incident this applicant dashed his motorcycle with the cycle of the minor victim. The victim fell down, then this applicant caught hold of her hand and was attempting to make her sit on his motorcycle when she raised alarm, regarding which the FIR was lodged.

7. Considered on the submissions. As the applicant is in jail since about three months and the charge sheet has also been filed, further, the complainant side do not have any complaint against this applicant and they have complaint against the family members, regarding which they have filed separate complaint, therefore, looking to 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge