

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 634 of 2021

- Aakash Chouhan, S/o Praveen Chouhan, Aged About 36 Years, R/o Mithu Muda, Chouk, Present Address-Shindhi Colony Kachchi Kholi Dharam Shala, Raigarh, District Raigarh (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chakradhar Nagar, Raigarh, District-Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ashish Gupta, Advocate.
For Respondent/State	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

28/01/2021

1. Learned State counsel submits that the case diary is available.
2. Learned counsel from both the sides have agreed to make their submissions.
3. 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.379/2020 registered at Police-Station-Chakradhar Nagar, Raigarh, District-Raigarh(C.G.) for the offence punishable under Sections 354, 354(B) of IPC and Section 8 of POCSO Act.
4. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case because of the previous enmity with the complainant side. He is in jail since

06.12.2020, therefore, it is prayed that he may be enlarged on regular bail.

5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence present in the case diary the applicant is not entitled for grant of bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, It is submitted that this applicant caught hold the hand of the prosecutrix with intention to outrage her modesty and was pulling her when the parents of the prosecutrix came for her rescue. Subsequent to which FIR has been lodged.
8. After considering on the submissions and the facts present in the case, I feel inclined to allow the application of this applicant.
9. 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