

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 466 of 2021**

Ramkrishna Yadav S/o Jhangla Yadav Aged About 23 Years Caste Yadav ,
R/o Ward No.04. Pandariya, Police Station - Gandai Tahsil Chhuikhadan,
District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Gandai, District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, Advocate.
For the Respondent/State : Ms. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.06.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.212 of 2020, registered at Police Station – Gandai, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 354(b) of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.12.2020 and has been falsely implicated in this case. The allegation in the FIR and the statement of the complainant are totally false. After completion of investigation, the charge-sheet has been filed. At the stage of

filing charge-sheet, the offences under Section 376 read with Section 511 of the IPC and also Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 are added regarding which there is no evidence present. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence against this applicant. Hence, no case is made out for grant of regular bail to the applicant.

4. Complainant – Ramesh Das Kurre is present before this virtual Court through the Help-Desk of the DLSA, Rajnandgaon, District Rajnandgaon. He made a statement that he has objection in grant of bail to the applicant.

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

6. According to the prosecution case, on the date of incident, this applicant forcibly disrobed the minor victim of age 13 years, molested her and then he lay down upon her. When she raised alarm, the applicant ran away from the spot. Hence, this case.

7. Considered the submissions and the documents present in this case. The medical examination report of the prosecutrix is negative. Initially, the FIR was lodged for the offence under Section 354(b) of the IPC and the other offences of attempt to rape and the offence of POCSO Act have been added later on. Hence, taking into consideration the facts present in this

case, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge