

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Misc. Criminal Case No.827 of 2021**

- Janeshwar Yadav S/o Late Dasharth Yadav Aged About 45 Years Village Bhatgaon, Ward No. 05, Yadav Mohalla, Thana Pulgaon, Tahsli And District Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Pulgaon, District Durg Chhattisgarh.

---- Respondent

 For Applicant : Shri Jitendra Gupta, Advocate
 For respondent/State : Shri Raghavendra Verma, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****25.6.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 15.8.2020 in connection with Crime No.301/2020 registered at Police Station Pulgaon, Durg (C.G.), for the offence punishable under Section 377 of the Indian Penal Code and under Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 14.8.2020 at about 9.30 pm, when complainant/victim, aged about 15years, was returning to his home after walking, the applicant, who was a relative of the complainant, met him and asked him to

accompany him to washroom. There the applicant committed unnatural act with the complainant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He has not committed any offence as alleged against him. The applicant and the complainant are close relatives and asked favor to go with him but the complainant misunderstood the intention of the applicant and lodged FIR against him. He submits that the complainant/victim refused to undergo medical examination during the course of investigation. He further submits that the applicant is in jail since 15.8.2020, therefore, present applicant may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that the victim refused to undergo medical examination and the trial will take some more time for its conclusion, without further commenting on merits of the case, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court for his appearance

before the trial court regularly on each and every date as per direction of the court, unless exempted from appearance.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE

Bini