

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 727 of 2021**

Ramkumar Dhimar, S/o. Prithvi Raj Dhimar, aged about 37 years, R/o. Dhimarpara, Rajnandgaon, District Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh, Through : The Police Station Basantpur, District- Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Anuroop Panda, Advocate
For Respondent/State	: Mrs. Binu Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/02/2021**

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.90/2020, registered at Police Station – Basantpur, District – Rajnandgaon (C.G.) for the offence punishable under Section 354, 354 (क) of the Indian Penal Code and Section 9 (द) of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The lodger of FIR is the wife of this applicant with whom the relation of the applicant was already strained, no such incident has occurred as it is alleged in the prosecution case. The complainant has been examined in the trial and she is a hostile witness. Similarly, the victim of this case has also been examined, who has also been declared hostile by the prosecution.

Hence, it is prayed that the applicant may 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 the applicant is the father of the minor victim of the age only 4 years and 3 months, who has outraged her modesty, therefore, it is not a fit case for grant of bail to the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant disrobed the minor victim of age 4 years and 3 months and was using physical force on her and thus outraged her modesty.
6. Considered on the submissions and also perused the certified copy of the deposition of the complainant and the victim and looking to the development that has taken place, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd-
(Rajendra Chandra Singh Samant)
Judge