

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1295 of 2021**

- Bigan @ Sanjay Singh, S/o Ramnath Singh, Aged About 25 Years, R/o Mahavirganj, Bodipana, Police Chowki Vijaynagar, Police Station Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant (In jail)**Versus**

- State Of Chhattisgarh Through Police Chowki Vijaynagar, Police Station Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant	: Shri Anurag Singh, Advocate
For Respondent	: Shri Ashish Tiwari, GA

(Proceeding through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

31.05.2021

1. Applicant has preferred this application under Section 439 of the CrPC for grant of regular bail as he has been arrested in connection with Crime No.197 of 2020 registered at Police Station Police Chowki Vijaynagar, Police Station Ramanujganj, District Balrampur, Ramanujganj for offences punishable under Sections 457, 376 and 323 of the IPC.
2. Case of the prosecution in brief is that applicant has molested mother of the complainant. He was arrested and crime was registered against him for the aforementioned offences.
3. Shri Anurag Singh, learned counsel for the applicant submits that from the face of allegations levelled against present applicant, prima facie appears to be false and fabricated. Prosecutrix is an old lady, aged about 90 years. Due to personal grudge of family member of complainant against the applicant, false allegations have been levelled against him, there is contradiction in the statement recorded under Section 161 and Section 164 CrPC. Applicant is aged about 25 years and he is in jail since 20.10.2020.

4. Shri Ashish Tiwari, learned Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that prosecutrix levelled specific allegation of putting finger in mouth and private part of the prosecutrix against the applicant. Hence, applicant is not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegation and the entire facts and circumstances of the case, age of prosecutrix to be of about 90 years, without commenting on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

8. In view of above, application for urgent hearing and application for hearing the case during summer vacation stand disposed off.

Certified copy as per rules.

Sd/-
V.Judge
(Parth Prateem Sahu)