

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1061 of 2021

- Sachin Patel S/o Shri Johan Patel, Aged About 32 Years, R/o. Village - Dargahan, Thana - Charama, District - North Baster Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through, Station House Officer, Police Station - Ankaladongari, District - Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Sumit Shrivastava, Advocate.

For State/Non-applicant – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 21-01-2021 in connection with Crime No.01/2021 registered at Police Station – Ankaladongari, District - Dhamtari, Chhattisgarh for the offence under Section 454, 354 of the IPC and Section 08 of the Protection of Children from Sexual Offences Act and Section 3 (a) (v-a) & 3 (2) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant is in jail since 21-01-2021. The applicant had no knowledge that the victim was a member of Scheduled Tribe. Hence, there is no case against him. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the statement of the victim present against this applicant, he is not entitled for grant of bail.

4. Complainant Nakul Kumeti is present before this Court on notice. He

has objection in grant of bail to the applicant.

5. Heard the submissions made and perused the case diary.

6. According to the prosecution case, on the date of incident the applicant made unauthorized entry in the house of the minor victim and finding her alone he used physical force to outrage her modesty.

7. Considering that the investigation in this case is now complete and there appears to be no reason to keep the applicant in continued detention, therefore, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge