

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1056 of 2021

- Omprakash Sahu S/o Raju Sahu, Aged About 22 Years, R/o Hathnipara Ward, Bhatapara, Tahsil Bhatapara, District Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through Police Station Bhatapara Town, District-Balodabazar-Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Prakash Mishra, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-02-2021

Heard.

Admit.

State counsel submits that the case diary is available.

Both the counsel have agreed to make their submissions.

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 15-01-2021 in connection with Crime No.33/2021 registered at Police Station – Bhatapara Town, District-Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 354, 354(D), 323, 506, 294 of the IPC and Section 18 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant is innocent and he has been falsely implicated on account of enmity by the complainant side. No such incident has occurred as alleged. The applicant is in jail since 15-01-2021. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is categorical statement of allegation against the applicant in the case diary. Therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. The case of prosecution is this, that on the date of incident the applicant with intent to outrage modesty of the minor victim caught hold her hand and used physical force on her and when brother of the victim came to intervene the applicant also manhandled him and threatened him, regarding which the FIR has been lodged.
6. Considered on the submissions and looking to the facts of the case, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge