

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1342 of 2021

Tushar Das @ Mintu Bangali, S/o Late Sunil Das, Aged About 39 Years, R/o Regional Hospital Colony, Godaripara, P.S. Chirimiri, District- Koriya (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, P.S.- Chirimiri, District- Koriya (C.G.)

--- Respondent

For Applicant : Mr. Ramsajiwan, Advocate.

For State/ Respondent : Ms. Anjali Singh Chouhan, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23/02/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. 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. 471/2020, registered at Police Station- Chirmiri, District- Koriya (C.G.) for the offence punishable under Section 354, 354(A), 454

of IPC and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

6. Learned counsel for the applicant submits that the applicant is in jail since 06.12.2020 and has been falsely implicated in this case on account of enmity with the complainant side. The charge-sheet has been filed, hence, it is prayed that this applicant may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age below 16 years on the date of incident and further, there is clear allegation regarding commission of offence by the applicant. Hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. The case of the prosecution is this, that on the date of incident, the applicant committed house trespass in the house of the minor victim of age about 15 years and then, by use of physical force and by touching her body, outraged her modesty, regarding which, FIR has been lodged.
10. Considered on the submissions and the facts present in this case. The charge-sheet has been filed after completion of investigation and there is no specific reason available for continued detention of the applicant. For these reasons, I am of this view that it would be proper to release the applicant on bail, hence, I feel inclined to grant bail to the applicant in this case.

11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
12. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun