

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1486 of 2021**

Rambhajan Ram @ Bhoti S/o Radheram Aged About 26 Years R/o Village Nawgai, Police Station Darima District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Of Police Station Darima District Surguja Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Govind Prasad Dewangan, Advocate.
For the Respondent/State	:	Ms. Anjali Singh Chowhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.02.2021**

1. Heard on admission.
2. Admit.
3. It is submitted by learned State counsel that the case-diary is available. Both the counsels have agreed to make their submissions.
4. 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.26 of 2021, registered at Police Station – Darima, District – Surguja, Chhattisgarh for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

5. Learned counsel for the applicant submits that the applicant is in jail since 29.1.2021 and has been falsely implicated in this case on account of enmity with the complainant's side. Hence, it is prayed that the applicant be enlarged on bail.

6. 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 age of the victim is only 12 years 8 months and she has clearly made allegation against the applicant, therefore, no case is made out for grant of bail to the applicant.

7. Heard counsel for both the parties and perused the case diary.

8. The prosecution case is that on the date of incident, the victim had been out of her house to answer the call of nature and was returning back in the morning time, when the applicant caught hold of her and made her to sit on his lap and was using force on her person to outrage her modesty. When she raised alarm, the applicant ran away from the spot.

9. Considered the submissions and the documents present in this case. Looking to the nature of offence registered against this applicant, I feel inclined to grant regular bail to the applicant.

10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

11. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge