

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1595 of 2021

- Haridwar @ Hawaldar Pandey S/o Ram Ji Pandey Aged About 55 Years
R/o Nawapara, Surajpur, Police Station- Surajpur, Tahsil And District-
Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police
Station- Surajpur, District- Surajpur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.

For Non-applicant/State : Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 04.11.2020, in connection with Crime No.448/2020, registered at Police Station- Surajpur, District- Surajpur, C.G. for offence punishable under Sections 354, 354(३) and 120 of I.P.C. and Sections 08 and 17 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 04.11.2020. Charge-sheet has been filed. The allegations made by the victim of this case against this applicant are totally false. The F.I.R. lodged is clearly delayed by about 04 years. The charge-sheet has been

filed and the trial in the case is likely to take some time. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there are clear allegations present against this applicant regarding outraging the modesty of the victim since the date she was minor, which has continued for about 04 years. Therefore, he is not entitled for grant of bail.
4. The victim is virtually present before this Court through the Help Desk of D.L.S.A. Surajpur and she has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, the applicant has illicit relationship with the mother of the minor victim. Since the year 2016, the applicant started outraging the modesty of the minor victim by touching her private parts, this continued on numerous occasions. When the victim complained about the act of the applicant to her mother, she didn't support her. The last incident of outraging modesty of the victim has taken place on 08.08.2020, subsequent to which, this F.I.R. has been lodged on 20.10.2020. Hence, this case.
7. Considered on the submissions. Although the nature of allegations present against the applicant are of serious nature but he is in jail since about 08 months and there is likelihood of delay in trial, 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. On condition that if there is any repeat incident committed by the applicant against the victim then the bail granted by this order shall stand automatically canceled. 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

Monika