

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1762 of 2021

- Kamlesh Verma, S/o Ganesh Ram Verma, Aged About 27 Years, R/o Rawan Police Station City Kotwali, District-Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police Of Police Station City Kotwali Baloda Bazar, District Baloda Bazar- Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For State/respondent	: Mrs. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/07/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.620/2020 registered at Police-Station-City Kotwali, Baloda Bazar, District-Bhatapara(C.G.) for the offence punishable under Sections 367(2)(च), 376(2)(i) of IPC and Section 4, 6 & 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The FIR has been lodged by the wife of this applicant on account of some

misunderstanding. The victim in this case is the daughter of this applicant. The complainant has been examined in the trial and she has not supported the prosecution case, therefore, this applicant may be enlarged of bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of the victim in this case is only two years, who is also the daughter of this applicant, therefore, the offence is of very grave nature and against the moral of the society, hence, the application be rejected.
4. Notice issued to the complainant has been returned served but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant used to touch the private part of his daughter, who is aged two years and also had attempted to insert his private part and finger in the private part of the minor prosecutrix/victim regarding which FIR was lodged by the wife of the complainant. Hence, this case.
7. Considered on the submissions.
8. On perusal of the deposition of Hemin Bai PW-1, the complainant in this case, it is found that she has been declared hostile by the prosecution as she has not supported the case of prosecution in any manner. The minor victim is of age two years, therefore, she has not been cited as a witness in this prosecution case.

9. After looking to the development that has taken place in the trial, hence, under these circumstances, I feel inclined to allow the application of this applicant.

10. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha