

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2146 of 2021**

Sanjay Diwakar @ Satta, S/o. Ved Prakash, aged about 24 years, R/o. Bajrang Nagar Sakri, Thana - Sakri, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Police Station Sakri, District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Krishna Kumar Khatri, Advocate
For Respondent/State	: Mr. Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/03/2021**

Heard.

1. Admit.
2. At the consent of both the parties, the bail application is heard finally.
3. 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.53/2021, registered at Police Station – Sakari, District – Bilaspur (C.G.) for the offence punishable under Section 354, 323, 506 of the Indian Penal Code and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

4. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case because of the enmity with the complainant side. The applicant is in jail since 11.02.2021. Hence, it is prayed that the applicant may be released on bail.
5. 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 statement of the victim is clear and categorical against this applicant. Further the age of the victim is only 10 years. Hence, it is prayed that the application be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. Case of the prosecution is this that on the date of incident, this applicant caught hold of minor victim of age 10 years, took her to his own house, where he disrobed her and made use of physical force by touching her body and thus outraged her modesty. The applicant also threatened the minor victim for not disclosing about the incident to anybody.
8. Considered on the submissions and the facts of the case. The investigation in this case is nearing completion and I do not find any reason to keep this applicant in continued detention, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram