

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1948 of 2021**

Devcharan Bandhe S/o Visheshar Bandhe Aged About 40 Years R/o Village Newdha, Police Station and Tehsil Simga District Balodabazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station Simga, Tehsil Simga, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. "X" (Victim / Prosecutrix)

(Allegation against the applicant is related to sexual offence against the minor therefore the name and other particulars of victim/ prosecutrix are given in a separate sheet of paper annexed herewith)

---- Respondents

For the Applicant	:	Shri Mahendra Dubey, Advocate.
For the Respondent/State	:	Shri Sameer Oraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.06.2021**

Heard.

1. 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.61 of 2021, registered at Police Station – Simga, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Sections 354 and 454 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 15.2.2021 and has been falsely implicated in this case. The false FIR

has been lodged by the father of the victim at the behest of the opponent political leader, as the applicant is an elected Sarpanch of Gram Panchayat Newdha, District Baloda Bazar-Bhatapara. The applicant when failed to obtain anticipatory bail, then he has himself surrendered to the Court and he is in jail since about four months. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is sufficient evidence present against this applicant. Hence, no case is made out for grant of regular bail to the applicant.

4. Complainant – Vinod Yadav is present before this virtual Court through the Help-Desk of the DLSA, District Baloda Bazar - Bhatapara. He made a statement that he has objection in grant of bail to the applicant.

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

6. According to the prosecution case, on the date of incident, this applicant entered into the house of the minor victim and asked for a glass of water. When the victim brought water for the applicant, the applicant with wrong intention caught hold of her hand and was making an attempt to pull her then the victim rescued herself and informed her parents about the incident.

7. Considering the entire material present in the case-diary in support of

the prosecution case, I am of the considered opinion that the applicant deserves to be released on regular bail.

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

9. 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