

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2090 of 2021

- Rajesh Nirmalkar S/o Shri Vijay Kumar, aged about 21 years R/o Village Okhar, P.S. Pachpedi, Tahsil & Block Masturi, District Bilaspur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Police Station Schedule Caste Welfare, Janjgir-Champa, District Janjgir Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Ishan Verma, Advocate
For Respondent/State	:	Mr. Sameer Uraon, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/07/2021

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. 08/2020 registered at Police Station Schedule Caste Welfare Janjgir-Champa, District Janjgir-Champa (C.G.) for the offence punishable under Sections 354, 354A, 506 & 34 of the IPC and Section 8 of the POCSO and Section 3 (1) (11) of the SC & ST (Prevention of Atrocities) Act, 1989.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. No offence has been committed by the applicant. He is in jail since 16/02/2021, charge-sheet has been filed and trial is likely to take some time, therefore, the applicant may be

granted bail.

3. Per contra, learned State counsel opposes the bail application and submits that the victim is only 13 years of age, therefore, there is gravity of offence committed by the applicant. He prays to reject the bail application.
4. Notice was issued to the Complainant which has been served and objection has been made through e-mail.
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 on the date of incident, the applicant and co-accused, both with an intention to outrage the modesty of the victim used physical force and also threatened her with dire consequences. The prosecutrix happened to be a member of schedule caste/schedule tribe.
7. Considered on the submissions. As the case is now pending for trial and completion of trial is likely to take time, the applicant is in jail since 16/02/2021, I feel inclined to allow this bail application and release the applicant on bail.
8. 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