

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2302 of 2021

- Umeshram Chauhan, S/o Late Ghasiram, Aged About 64 Years, Residing At Baradwar Ward No 04, Police Station Baradwar, District-Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Baradwar District Janjgir Champa Chhattisgarh., District-Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For State/respondent	: Mr. Alok Nigam, Govt. Advocate.
For Complainant	: Mr. Anand Gupta, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/07/2021

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.14/2021 registered at Police-Station-Baradwar, District-Janjgir Champa(C.G.) for the offence punishable under Sections 376/511, 450 of IPC and Section 8 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The statement of prosecutrix under Section 164 CrPC reveals that the act of the applicant amount to offence under Section 354 IPC only, therefore, no

case is made out for offence of attempt to rape, which has been falsely registered against him. Applicant is 64 years old man. He is in jail since 11.01.2021. Charge-sheet has been filed, therefore, it is prayed that this applicant may be enlarged on regular 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 had been only 14 years and there a clear statement of the prosecutrix under Section 161 CrPC against this applicant, therefore, the application be rejected.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of High Court on notice. She has stated that she has no objection in grant of bail to this applicant.
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 this applicant caught hold of the minor prosecutrix aged 14 years and then attempted to rape her regarding, which FIR has been lodged.
7. Considered on the submissions. In her statement under Section 164 CrPC prosecutrix has stated that the applicant had removed her undergarments, when her mother arrived on the spot, subsequent to which the applicant fled from the spot. Further, looking to the statement of no objection from the complainant side, I feel inclined to allow the application of this applicant.
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

Nisha