

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2384 of 2021**

- Sudhanshu @ Babla, S/o Guddu @ Ashok Kashyap, Aged About 20 Years, R/o Ramanujganj, Masjidpara, Ramanujganj, P.S.- Ramanujganj, District- Balrampur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Police Station In Charge P.S.- Patna, District-Koriya, Chhattisgarh.

---- Respondent

For Applicant : Mr. Bhupendra Singh, Advocate.

For State/respondent : Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/08/2021**

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.148/2019 registered at Police-Station-Patna, District-Koriya(C.G.) for the offence punishable under Sections 354, 354(a), 354(b) 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. He is in jail since 17.02.2021. The victim of this case and the applicant were on talking terms and the victim had herself come to visit with the applicant at the time of incident, which was discovered by another witness Pramod

Kumar Jha, who has clearly stated about the incident under Section 161 CrPC, therefore, the whole prosecution case is false against this applicant, hence, 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 there is clear and categorical statement of the victim under Section 161 as well as Section 164 CrPC, therefore, there is no case present for grant of bail to the applicant.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Koriya on notice. She has stated that she has 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 the applicant and the victim both were acquainted to each other since about 4 years and the applicant was continuously stalking her and finding occasions to meet her. On the date of incident, the applicant made a phone call to the minor victim asking her to come out of her house for some conversation and when she came out, it is alleged that the applicant by force dragged the victim to a place nearby and also disrobed her. On arrival of a witness on the spot, this applicant ran away. Subsequent to which, FIR has been lodged.
7. Considered on the submissions made by the counsels and also the statement of the witnesses. As the applicant is in jail since about 6 months and the case is now pending for trial, therefore, for these

reasons, I feel inclined to allow the bail 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