

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2614 of 2021**

B. Shivarao, S/o. Shri B. Bafani, aged about 27 years, R/o. Aman Nagar infront of Rinku Shop, Ward No. 28, Police Station Khamardih, District Raipur Civil and Revenue District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station - Khamardih, Raipur, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Ajay Mishra, Advocate

For Respondent/State : Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/08/2021**

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.226/2020, registered at Police Station – Khamardih, Raipur, District – Raipur (C.G.) for the offence punishable under Section 354 of the Indian Penal Code and Section 8, 10 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 27.12.2020. The allegation against the applicant is totally false and baseless due to previous enmity with the family of the victim.

Charge-sheet in this case has been filed and there is likelihood of delay in conclusion of trial. Therefore, it is prayed that the applicant may be released 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 the statement of the victim under Section 164 of Cr.P.C. is direct against this applicant regarding sexual assault made by him. Further the age of the victim is only 7 years, therefore, the offence is of serious nature. Hence, the application for grant of bail be rejected.
4. Notice was issued to the complainant, which was returned served for the date 04.08.2021, but there was no appearance and no representation from the complainant side.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant called the minor victim age about 7 years and then on making her sit on his lap, he touched her inappropriately on her chest and private part, regarding which, FIR has been filed.
7. Considered on the submissions. FIR, statement of the victim under Section 161 and 164 of Cr.P.C. shows gradual development and further the case is now pending for trial and there is likelihood of delay in conclusion of trial, hence for these reasons, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram