

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2361 of 2021

- Alesh Dewangan S/o Shivnandan Dewangan, Aged About 26 Years, R/o Ward No. 13, Tikripara, Gandai, Police Station and Tahsil Gandai, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Gandai, District- Rajnandgaon (C.G.)

---- Non-applicant

For Applicant – Shri Abhishek Sharma, Advocate.

For State/Non-applicant – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-03-2021 in connection with Crime No.44/2021 registered at Police Station – Gandai, District - Rajnandgaon, Chhattisgarh for the offence under Section 354(D), 509 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated because of enmity with the complainant who is neighbour of this applicant. The FIR lodged is totally false. The applicant is in jail since 16-03-2021. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence present against this applicant by witnesses, the victim and her father. Therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, the minor victim is aged about 15 years. It is alleged that this applicant used to stop the victim, made indecent gestures and eve tease her on occasions when she was on her way going

somewhere or coming back. It is also alleged that this applicant used to put letter containing obscene words for her in liquor bottle and used to throw that bottle into her compound or into the house of the victim, it was done on numerous occasions, regarding which the FIR has been lodged.

6. Considered on the submissions. At present the investigation is still pending, however, there appears to be no need to keep the applicant in continuous detention, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge