

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2848 of 2021**

Chouthram, S/o. Sahasram Choudhary, aged about 25 years, resident of Jhabar, Police Station Pendra, District Gorela Pendra Marwahi Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Pendra, District Gorela Pendra Marwahi, Chhattisgarh.

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/07/2021**

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.66/2021, registered at Police Station – Pendra, District – Gorela – Pendra Marwahi (C.G.) for the offence punishable under Section 341, 323, 354 of the Indian Penal Code and Section 8 of the POCSO Act.
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 13.03.2021. Charge-sheet in this case has been filed. Hence, it is prayed that the applicant may be enlarged on regular 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 victim in this case has consistently made allegations against

this applicant in her statement under Section 161 of Cr.P.C. and under Section 164 of Cr.P.C., therefore, the applicant may not be granted bail.

4. The victim is present virtually before this Court on notice through the Help Desk of this High Court and she has no objection in grant of bail to the applicant.
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 on the date of incident, this applicant arrived at the house of the minor prosecutrix and caught hold of her with intention to outrage her modesty and thus he molested her, regarding which, FIR has been lodged.
7. Considered on the submissions. As the case is now pending after filing of the charge-sheet and the applicant is in jail since 13.03.2021, hence for this reason, 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