

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2770 of 2021

- Panchram Prajapati @ Panchu S/o Shiv Prasad Prajapati, Aged About 22 Years, R/o Tendudand Ward No.01 Jhagrakhand District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Jhagrakhand District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-08-2021

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 11-02-2021 in connection with Crime No.49/2021 registered at P.S. - Jhagrakhand, District Koriya, Chhattisgarh for the offence under Section 363, 342, 354, 354(A) of the IPC and Section 8, 12 of POCSO Act.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 11-02-2021. Charge sheet has been filed. Therefore, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence of the witnesses present against this applicant, therefore, he is not entitled for grant of bail.
4. The minor victim is virtually present through Help Desk of DLSA Manendragarh. She has objection in grant of bail to this applicant.
5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date of incident this applicant called the victim on mobile asking her to come out from her house. When she refused he caught hold of her hand and by force took her to a river where he inappropriately touched her and thus outraged her modesty, regarding which the FIR has been lodged.

7. Considered on the submissions. Looking to the nature of the allegation present against the applicant and that the case is now pending for trial and no purpose would be served if the applicant is kept in detention continuously, therefore, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge