

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3309 of 2021

- Jay Prakash Dubey S/o Jwala Prasad Dubey Aged About 32 Years R/o Village Jagannath Pur Sakara Police Station And District Balod.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Ajak Police Station Balod District Balod Chhattisgarh

---- Non-applicant

For Applicant : Mr. B.P. Singh, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 22.03.2021, in connection with Crime No.03/2020 registered at Police Station— Ajak Police Station, District- Balod, C.G. for offence punishable under Sections 354(a), (i)(ii), 354 (d), 294, 506 of I.P.C. and Section 11 and 12 of POCSO Act and Section 3(2)(v) of S.C. & S.T. Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. He is in jail since 22.03.2021. The fact is this, that the parents of the minor victim had borrowed money from this applicant. As the applicant used to make phone calls for the recovery of the money, this false F.I.R. has been lodged. The facts of the case itself shows that the applicant never visited the place of the victim for outraging her modesty. Charge-sheet has been filed. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear evidence of the victim and the other witnesses regarding the commission of offence by this applicant. Therefore, it is prayed that this application may be rejected.
4. Notice issued to the complainant has been returned served but there is no appearance or representation.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant used to make phone calls to the minor victim since about one year prior to the lodging of F.I.R. in which he used obscene words, abused her and also threatened her that he will commit trespass and rape the minor victim and also threatening that he will kill her. Therefore, this F.I.R. has been lodged.
7. Considered on the submissions and the facts present in this case. Charge-sheet has been filed and the case is now pending for trial which is likely to take some time, therefore, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each 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