

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3980 of 2021

- Shiv Kumar Sahu S/o Harakh Ram Sahu, Aged About 40 Years, R/o Village Bamhani, Police Station Chhura, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chhura District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Mohammad Afroz Athar, Advocate.

For State/Non-applicant – Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-07-2021

1. This is first bail application before this Court filed under Section 439 of the Cr.P.C by the applicant for grant of regular bail. The applicant has been arrested on 26-11-2020 in connection with Crime No.171/2020 registered at Police Station – Chhura, District Gariyaband, Chhattisgarh for the offence under Section 354 of the IPC, Section 8 of POCSO Act and Section 3(2)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 26-11-2020. Charge sheet has been filed. The trial is likely to take some time. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposed the application submitting that the age of the victim is only 14 years and there is clear statement against the applicant under Section 161 of the Cr.P.C. Hence, the application may be rejected.
4. Notice issued to the complainant has been returned served, but there is no appearance and no representation.
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

finding the minor victim alone in her house made use of physical force to outrage her modesty, regarding which the FIR has been lodged.

7. Considered on the submissions. As the case is now pending for trial after filing of the charge sheet and continued detention of the applicant till conclusion of the trial would not serve any purpose, hence, 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge