

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3675 of 2021

- Kailash Yadav S/o Shri Vishal Yadav, Aged About - 20 Years, R/o - Village Sukulpara, Kharaud, Police Station - Shivarinarayan, Civil and Revenue District – Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: The District Magistrate Janjgir, Civil and Revenue District - Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Mr. Paras Mani Shriwas, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-07-2021

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 23-05-2021 in connection with Crime No.192/2021 registered at P.S. - Shivarinarayan, District – Janjgir-Champa, Chhattisgarh for the offence under Section 456, 354, 294, 323 of the IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant, that the applicant is innocent and he has been falsely implicated because of enmity with the complainant side. He is in jail since 23-05-2021. There is likelihood of delay in completion of investigation. 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 present against this applicant regarding commission of the offences registered against him. Therefore, the applicant is not entitled for grant of bail.
4. Notice was issued to the complainant, which returned served for 16-07-

2021, but there was no appearance and no representation from the complainant side on that date.

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 committed lurking house-trespass in the house of the minor prosecutrix and then with intention to outrage her modesty he physically molested her and then also assaulted and abused her. Hence, this case.

7. Considered on the submissions. Taking into consideration the facts present in the case and also that there is likelihood of delay in investigation and trial, 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