

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3831 of 2021**

Bhupendra Kashyap S/o Shatrughan Kashyap Aged About 24 Years R/o.
Gudripara, Narayanpur, P.S. Narayanpur, District- Narayanpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- P.S. Narayanpur, District : Narayanpur,
Chhattisgarh.

---- Respondent

For the Applicant : Shri M.P.S. Bhatia, Advocate.
For the Respondent/State : Shri Sameer Uraon, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.07.2021**

Heard.

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.38 of 2021, registered at Police Station – Narayanpur, District – Narayanpur, Chhattisgarh for the offence punishable under Sections 363, 354-A, 376(3), 506 and 509-B of the Indian Penal Code and Sections 4, 6, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.3.2021 and has been falsely implicated in this case. The allegations in the FIR and the statement of the witnesses are totally false. The applicant is a patient of Sickle cell anemia, he is not keeping well in jail

and he had to be admitted in the hospital for treatment. Charge-sheet has been filed and the trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. However, it is submitted that on the basis of the report received from the jail authorities, the applicant is a patient of Sickle cell anemia and he requires treatment in jail time to time. No case is made out for grant of regular bail to the applicant on the merits of the case.

4. Notice issued to the complainant has been returned served, but there is no appearance and no representation.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant has taken a photograph of the minor victim and outraged her modesty. The applicant also raped the minor prosecutrix after putting her under threat that he will make her photograph viral in social media regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Although, it is not a good case on merits for grant of bail, but looking to the medical condition of the applicant that he is a patient of Sickle cell anemia

and he requires treatment continuously, regarding which, a report has been received from the jail authorities, therefore, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge