

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4089 of 2021

- Ali Hasan Jafri, S/o Inayat Hussain, Aged About 37 Years, R/o Bspu Colony, Bairagi Dera, Saddu, P.S. Vidhansabha, District-Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police of Police Station Vidhansabha, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogendra Chaturvedi, Advocate.
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For State/respondent	: Mr. Samir Uraon, Govt. Advocate.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/07/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.08/2021 registered at Police-Station-Vidhan Sabha, District-Raipur(C.G.) for the offence punishable under Sections 294, 323, 354, 34 of IPC and Section 8 of POCSO Act & Section 3(1)(g) Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act, 1989.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 11.01.2021. Charge-sheet has been filed. Trial is not making any progress. Statement of the victim does not clearly identify the applicant

as the person, who has outraged her modesty, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that in the statement under Section 161 CrPC this applicant has been clearly identified as he is the person, who has physically outraged the modesty of the victim aged about 12 years, therefore, he is not entitled for grant of bail.
4. Notice has issued to the complainant which has been returned served with note that the complainant Laxmi Banjare herself is absconding, therefore, there is no possibility of service of summons upon the complainant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that on the date of incident this applicant and co-accused Yaseen Ali came to the spot, who used abusive words. The applicant then asked for water from the two victims. After they gave water, this applicant caught hold of one victim aged about 12 years and made her sit on the bonnet of the car and, therefore, he also touched her inappropriately. When she objected, this applicant slapped her. Hence, this case.
7. Considered on the submissions. The applicant is in jail since about 6 months and the trial against him is likely to take some time, for these reasons, I feel inclined to allow the application of this applicant.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha