

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4000 of 2021

- Yaseen Ali S/o Shri Sharafat Ali, Aged About 34 Years, R/o Block No. 04, Room No.09, Irani Dera BSPQ Colony, Dal Dal Seoni Police Station Pandri , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Vidhansabha, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Pragalbha Sharma, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2021

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 11-01-2021 in connection with Crime No.08/2021 registered at P.S. - Vidhansabha, District Raipur, Chhattisgarh for the offence under Section 294, 323, 354 R/w 34 of the IPC, Section 08 of POCSO Act and Section 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 11-01-2021. Charge sheet has been filed. The FIR has been lodged because of enmity. The trial in this case is likely to be delayed. 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 offence of outraging modesty of the minor victim. Apart from that, the applicant has criminal antecedent of 13 cases under the provisions of the IPC, Arms Act and the N.D.P.S. Act. Therefore, he is not entitled for grant of

bail.

4. Notice was issued to the complainant, but complainant himself is absconding, therefore, it could not be served.

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

6. According to the prosecution case, on 01-01-2021 at about 10:00 p.m. in the night this applicant and the other accused persons went to the place of incident where they were abusing somebody. In the meanwhile, this applicant caught hold of the minor victim aged about 12 years and then by use of physical force he outraged her modesty. Hence, this case.

7. Considered on the submissions. The applicant is in detention since 11-01-2021, therefore, he has undergone more than 6 months in jail, the trial against him is still pending which is likely to take some more time. Although there are previous antecedent of this applicant, but it appears that he had been on bail in previous cases. Therefore, for these reasons 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