

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4166 of 2021

- Deepu @ Deepak Tiwari Aged about 34 years, S/o late Santosh Tiwari, R/o Village Semra Tahsil Pendraroad, P.S. Gaurella District- Gaurella-Pendra- Marvahi, C.G.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Gaurella, District Gaurella-Pendra- Marvahi, Chhattisgarh

---- Non-applicant

For Applicant : Mr. B.L. Dembra, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 01.06.2021, in connection with Crime No.169/2021 registered at Police Station— Gaurella, District- Gaurella-Pendra- Marvahi, C.G. for offence punishable under Sections 363, 376, 354 of I.P.C. and Section 4/8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 01.06.2021. Charge-sheet has been filed. No offence has been committed by the applicant, hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that in this statement record of the prosecutrix there is clear statement that this applicant had outraged the modesty of the minor

victim, therefore, this application may be rejected.

4. Complainant Ramu Kashi Puri is virtually present before this Court through the Help Desk of this High Court and he has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the 13 year old minor victim was abducted, confined and raped by the co-accused Rinku Rathore. During her confinement this applicant met with the minor victim and then by touching her inappropriately, he outraged her modesty. Hence, this case.
7. Considered on the submissions. Looking to the nature of allegations present against this applicant and also that the charge-sheet in this case has been filed, therefore, 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