

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4284 of 2021

- Bhuneshwar Sahu, S/o Moti Ram Sahu, Aged About 22 Years, R/o Chhirpani, Police Station Kukdur, District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station-Kukdur, District-Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Mr. D. Kushwaha, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2021

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.31/2021 registered at Police-Station-Kukdur, District-Kabirdham(C.G.) for the offence punishable under Sections 354 of IPC and Sections 7 & 8 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. It is submitted that false FIR has been lodged against the applicant because of the previous enmity with the complainant side. Charge-sheet has been filed, therefore, 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 according to the statement of prosecutrix under Sections 161 & 164 CrPC, the offences registered against the applicant is made out, therefore, the application be rejected.
4. Notice was issued to the complainant, which has been returned served but there is no appearance and no representation.
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 this applicant has outraged the modesty of the minor victim of age below 16 years by use of physical force on her and also by touching inappropriately.
7. Considered on the submissions and that the case is now pending for trial after filing of charge-sheet, therefore, I feel inclined to allow the bail 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