

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4097 of 2021

- Sanskar Mittal S/o Devraj Mittal, aged about 19 years, caste Agrawal, Occupation Student R/o. Village Ambikapur road, Pathalgaon, Thana Pathalgaon, Distt. Jashpur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Police Station Pathalgaon and Distt. Jashpur (C.G.)

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Respondent/State	:	Mr. Anil Tripathi, Advocate
For Objector	:	Mr. Pragalbha Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/07/2021

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. 75/2021 registered at Police Station Pathalgaon, Distt. Jashpur (C.G.) for the offence punishable under Sections 456, 427, 294, 506 and 354D of the IPC and Section 12 of the POCSO Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. The allegations are mainly against co-accused Harshit Yadav. This applicant has not intended to outrage the modesty of the victim and further offence under Section 354 D of the IPC is bailable in nature. The applicant is in jail since 03/06/2021, therefore, he prays to release the applicant on bail.

3. Per contra, learned State counsel opposes the bail application and submits that looking to the statement of the prosecutrix recorded under Section 164 of the Cr.P.C, this applicant is not entitled to get bail.
4. Counsel appearing on behalf of the Objector submits that with regard to this applicant Sanskar, the complainant has no objection in grant of bail to him.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, co-accused Harshit Yadav used to stalk, harass, make indecent proposals, abuse and threaten the minor victim. On the date of incident, the present applicant approached to the minor victim and attempted to handover a mobile phone to her. On refusal by minor victim, this applicant caught hold her hand and tried to forcibly handover the mobile phone stating that the mobile phone has been sent by co-accused Harshit Yadav. On the complaint made by the prosecutrix, FIR has been registered.
7. Considered on the submissions. Looking to the involvement of this applicant in whole incident and also other circumstances, I feel inclined to allow this bail application and release the applicant on bail.
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