

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 4705 of 2021**

- Hemant @ Harshit Yadav S/o Shri Nidhi Yadav, aged about 19 years, by caste Mahakul, R/o village Kachhar, Present resident of Village Mahuatikara Patthalgaon, Thana and Tahsil Patthalgaon, Distt. Jashpur, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO, Police Station Patthalgaon, District Jashpur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Sunil Sahu, Advocate
For Non-applicant/State	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge*(proceedings through video conferencing)***ORDER****03/09/2021**

1. Heard.
2. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 75/2021 registered at Police Station Patthalgaon, District Jashpur (C.G.) for the offence punishable under Section 456, 427, 294, 506, 354D of IPC and Section 12 of POCSO Act.
3. Case of the prosecution is, that prosecutrix lodged a complaint on 25.03.2021 making allegation of stalking against applicant for making sexual favour and thereby harassing her. It was also alleged that on 25.03.2021, applicant entered into the house of complainant and has abused her father in filthy language. Based on the complaint, FIR was registered.
4. Mr. Sunil Sahu, learned counsel for the applicant submits that false

allegations have been levelled against applicant. There was some dispute of family members of applicant with the father of complainant, hence, false report was lodged through complainant against applicant. He also submits that the other co-accused person by name Sanskar Mittal has been enlarged on bail by co-ordinate bench of this Court vide order dated 01.07.2021 and further that father of complainant has executed an affidavit in support of application filed through Advocate Samir Singh wherein it is mentioned that they have settled the dispute outside the Court. Applicant is in jail since 11.06.2021, hence, he may be enlarged on regular bail.

5. Mr. Shrikant Kaushik, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that applicant is the main accused and entire allegations are against present applicant only. He submits that complainant has levelled allegations against applicant in her statement recorded under Section 161 & 164 of CrPC, hence, he is not entitled for grant of bail.
6. I have heard learned counsel for the respective parties and also perused the documents enclosed along with bail application.
7. Taking into consideration the nature of allegation levelled against present applicant, facts and circumstances of the case as also the fact that father of complainant has filed an application mentioning that they have entered into compromise supported by affidavit, through Advocate Samir Singh; period of detention of applicant, without commenting anything on merits, I am inclined to allow the bail application.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the

satisfaction of the Court on the conditions that-

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan