

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4889 of 2021

- Shankar Das Mahant S/o Rasiya Das Mahant Aged About 40 Years R/o Telikot, PS- Kharsia, District- Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Incharge, Police Station- Kharsia, District- Raigarh, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ashish Gupta, Advocate.

For Non-applicant/State : Mr. Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2021

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 01.04.2021, in connection with Crime No.211/2021, registered at Police Station- Kharsia, District- Raigarh, C.G. for offence punishable under Sections 354, 294, 506, 323 of I.P.C. and Sections 08 and 12 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. He is in jail since 01.04.2021. Charge-sheet has been filed. The applicant has not committed any act as alleged against him, he was just playing a joke with the child, which has been misinterpreted and false F.I.R. has been lodged against him. Trial is likely to take some time, therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is a clear statement of witnesses present against this applicant in the case diary, hence, for this reason, he is not entitled for grant of bail.
4. Notice issued to the complainant has been returned served but there is no representation and no appearance on their behalf.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the minor victim of age about 08 years was taking her bath, when the applicant came and made a proposition to the victim to marry him and also threatened her. Subsequent to which, he caught hold of her and thus he outraged her modesty, regarding which this F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions. Looking to the facts and circumstances present and also that there is likelihood of delay in the trial, 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