

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4689 of 2021

- Ajay Sahu S/o Sukalu Sahu, Aged About 22 Years, R/o Soridnagar, Atal Awas Dipopara, Dhamtari, Police Station City Kotwali, Dhamtari, Tahsil and District – Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police of Police Station – City Kotwali, Dhamtari, District – Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-03-2021 in connection with Crime No.101/2021 registered at P.S. - City Kotwali, Dhamtari, District – Dhamtari, Chhattisgarh for the offence under Section 454, 354 of the IPC and Section 10 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 18-03-2021. Charge sheet has been filed. The applicant has not committed any offence as alleged against him. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the the evidence present against the applicant, he is not entitled for grant of bail. Hence, the application may be rejected.

4. Notice issued to the complainant was returned served for fixed date 28-07-2021, but there was no appearance and no representation from the complainant side on that date.

5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant committed house-trespass in the house of the minor victim of age about 9 years and then he caught hold of her and by touching her inappropriately he outraged modesty of the minor victim.
7. Considered on the submissions. For the reason that the case is now pending for trial and there appears to be no requirement to keep the applicant in continued detention till conclusion of the trial, 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