

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4862 of 2021

- Abhishek Das, S/o Shri Ranjeet Das, Aged About 22 Years, R/o 112, People Housing Board Colony, Boriyakala, P.S.- Mujgahan, Distt. Raipur (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, P.S. -Civil Lines, Distt. Raipur (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate.
For State/respondent	: Mr. Samir Uraon, Govt. Advocate.
For Objector	: Mr. Shashank Thakur, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/07/2021

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.251/2021 registered at Police-Station-Civil Lines, District-Raipur(C.G.) for the offence punishable under Sections 294, 323, 506, 354, 427 of IPC and Section 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. He is in jail since 17.06.2021. The FIR lodged is totally false because of the previous enmity with the complainant side. As there is likelihood of delay in

completion of investigation and in trial, 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 there is clear evidence present in the diary statement of the victim and other witnesses, hence, the application be rejected.
4. Learned counsel for the objector adopts the arguments advanced by the learned State counsel and submits, that the offence that has been committed is of serious nature which was the applicant is habitual criminal and also habitual drinker. He has also threatened the entire family of the victim, therefore, he may not be granted regular bail.
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 on the date of incident at about 1:00 a.m. in the night, this applicant came to the house of the minor victim and after abusing and threatening her, he thrashed her and also by use of physical force outraged her modesty. He had also by throwing a stone caused damage to the wind shield of the car of father of the prosecutrix, hence, the FIR has been lodged.
7. Considered on the submissions. Taking into consideration the nature of allegation present against this applicant and also that he does not have any criminal antecedent, I feel inclined to allow the 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

Nisha