

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5216 of 2021

- Raghuvir Soni @ Raghu S/o Manchali Soni Aged About 21 Years Caste Soni, R/o Ward No. 4, Nagar Panchayat Jhagrakhand, Tahsil Manendragarh District Korea Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Jhagrakhand, Tahsil And District Korea Chhattisgarh

---- Non-applicant

For Applicant : Mr. Hemant Kumar Agrawal, Advocate.

For Non-applicant/State : Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-08-2021

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 03.07.2021, in connection with Crime No.148/2021, registered at Police Station- Jhagrakhand, Tahsil & District- Korea, C.G. for offence punishable under Section 354, 354(D)(1), 294, 506 and 323 of the I.P.C. and Section 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 03.07.2021. Totally false allegations have been made against this applicant due to the enmity with the complainant side. Investigation and trial is likely to take some time. It is also submitted that the victim had appeared before the Court below and made a statement that she has no

objection in grant of bail to the applicant. 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 the evidence is very clearly against the applicant regarding outraging the modesty of the minor victim aged about 14 years and 08 months. The applicant has two previous criminal prosecution against him under the provisions of I.P.C. therefore, he has a criminal history. Hence, this application may be rejected.
4. Victim had virtually appeared before this Court on 24.08.2021 and stated that she has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, it is alleged that this applicant caught hold of the minor victim and outraged her modesty. When the victim objected to the act of the applicant, he has beaten her and abused her. Hence, this case.
7. Considered on the submissions, for the reason that there is likelihood of delay in investigation and 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