

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5405 of 2021

- Sanjay Sahu, S/o Khomlal Sahu, Aged About 28 Years, R/o Thelkadih, Police-Station-Thelkadih, Tehsil-Khairagarh, District-Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Thelkadih, Rajnandgaon, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Advocate.
For State/respondent	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/09/2021

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.18/2021 registered at Police-Station-Thelkadih, District-RajnandgaonChhattisgarh for the offence punishable under Sections 341, 354, 354Aof 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 07.07.2021. Charge-sheet has been filed. The FIR has been lodged because of the previous enmity, hence, 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 clear evidence is present in the diary statement of the victim and this applicant has also a criminal history as he was previously prosecuted for offence under Section 294, 506, 34 of IPC in the year 2014, therefore, the application be rejected.
4. The victim had virtually appeared before this Court through the 'Help Desk' of DLSA Rajnandgaon on 01.09.2021. She had stated that she has objection in grant of bail to this applicant.
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 this applicant use physical force on the minor victim to make her sit on his motorcycle and when she refused the applicant attempted to pull her Duppatta regarding which FIR has been lodged.
7. Considered on the submissions. As the case is now pending for trial and there is likelihood of delay in the same, therefore, 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