

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5637 of 2021

- Santkumar Deshlahre S/o Hemlal Deshlahre, Aged About 25 Years, Occupation Labour, R/o Village Boriya P.S. and Tehsil Berla, District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Berla, District Bemetara Chhattisgarh

---- Non-applicant

For Applicant – Shri Manish Nigam, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-09-2021

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 12-06-2021 in connection with Crime No.218/2021 registered at P.S. - Berla, District Bemetara, Chhattisgarh for the offence under Section 454, 354 of the IPC and Section 8 & 12 of POCSO Act.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 12-06-2021. Charge sheet has been filed. The false FIR has been lodged against the applicant because of previous enmity. There is likelihood of delay in trial. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the evidence is very clear against this applicant in this case, therefore, he should not be enlarged on bail.
4. The victim was virtually present before this Court on 03-09-2021 on notice and she had objection in granting bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant forced his entry into the house of the minor victim and then by use of physical force and touching the victim inappropriately he outraged her modesty, regarding which the FIR has been lodged.

7. Considered on the submissions. As the case is now pending for trial after filing of charge sheet and the applicant is in jail since about three months, therefore, I am of this view that this applicant should be granted bail.

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