

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5450 of 2021**

Ashok Kumar Behra, S/o Param Behra, Aged About 49 Years R/o Dumarpali, Police Station - Baramkela, District - Raigarh, Presently R/o Sanjay Nagar, Sindhi Colony, Behind Sarla Villa, Raigarh Tahsil And District - Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Chakradharnagar, District – Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Hari Agrawal, Advocate.
For the Respondent/State : Smt. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.08.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.241 of 2021, registered at Police Station – Chakradharnagar, District – Raigarh, Chhattisgarh for the offence punishable under Sections 354 and 354A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 15.7.2021 and has been falsely implicated in this case. The charge-sheet has been filed. A false FIR has been lodged because of some dispute with the complainant. Hence, it is prayed that the applicant be enlarged on

bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the diary statements are very clear against this applicant and the applicant happens to be Vice Principal of the school, therefore, such kind of allegation against him is of very serious nature. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of DLSA, Raigarh. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant while the victim aged about 16 years had been to the house of the applicant for having tuition, this applicant has shown her some obscene videos and pressed her breast inappropriately and thus, he outraged her modesty.

7. Considered the submissions and the facts present in this case. Looking to the likelihood delay in conclusion of trial against the applicant, I feel inclined to grant regular bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge